
The Commonwealth of Massachusetts

JOURNAL OF THE CONTINUANCE

OF THE

JOINT SESSION OF THE TWO HOUSES.



THURSDAY, SEPTEMBER 18, 1980.

JOURNAL OF THE CONTINUANCE

OF THE

JOINT SESSION OF THE TWO HOUSES.

Thursday, September 18, 1980.

Joint Session of the Two Houses to consider Specific Legislative Amendments to the Constitution.

At eleven o'clock A.M., pursuant to a proclamation issued by His Excellency the Governor, with the advice and consent of the Council, the two Houses met in a continuance of the

Joint session.

JOINT SESSION

and were called to order by the Honorable William M. Bulger, President of the Senate.

The Proposal for a Legislative Amendment to the Constitution providing for capital punishment (see Senate, No. 903), — was considered, the main question being on ordering it to a third reading.

Constitution,—
capital
punishment.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution providing for capital punishment.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article XXVI of Part I of the Constitution of the Commonwealth is hereby amended by adding the following sentence: — The legislature may for the purpose of protecting the general welfare of the citizens authorize the imposition of capital punishment. No provision of the Constitution shall be construed as prohibiting the imposition of capital punishment.

The pending amendment, previously moved by Mr. Backman, adding at the end thereof the following:

“Provided however capital punishment shall not be imposed for any crime other than murder in the first degree.”, — was considered.

After debate, Mr. Backman arose to a point of order which, being stated, was that upon prorogation of the General Court on July 5, 1980, following adjournment on July 2, 1980 of a joint session of the two houses of the General Court to consider initiative amendments and legislative amendments, such adjournment being upon a call of the yeas and nays, the governor's power under the constitution to call

Point of order.

the members of the General Court in joint session was exhausted and this meeting of the House and Senate in Joint Convention is in violation of Article 30 of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts, Part I of the Massachusetts Constitution.

NOT well
taken.
Point of
order.

The President ruled that the point of order was NOT well taken. Mr. Backman then arose to a further point of order which, being stated, was that the proclamation of the Governor calling the General Court into Joint Session insofar as it may restrict the purposes for which the General Court is called together sooner than the time to which it has been prorogued, constitutes an executive intrusion upon the lawmaking power and authority of the General Court under Part 2, Chapter 1, Section 1, Article 4 of the Constitution so as to constitute a violation of Article 30 of the Declaration of Rights of the Constitution and their present meeting of the House and Senate is invalid.

Ruling.

The President stated that it was not within the province of the Chair to rule on Constitutional questions.

The question on adopting the pending amendment, previously moved by Mr. Backman, was then determined by a call of the yeas and nays, at eleven minutes before twelve o'clock noon, on motion of Mr. Backman, as follows, to wit (yeas 73 — nays 116): —

YEAS (73).

Senators.

Amick, Carol C.
Atkins, Chester G.
Aylmer, John F.
Backman, Jack H.
Buckley, Anna P.
Burke, Edward L.
D'Amico, Gerard
Doris, Francis D.
Harold, Paul D.

Hunt, Robert M.
King, John G.
McCarthy, Robert E.
McKinnon, Allan R.
Olver, John W.
Owens, Bill
Pollard, Sharon M.
Rotondi, Samuel
Sisitsky, Alan D. — 18.

Representatives.

Alexander, Lawrence R.
Barrett, Michael J.
Benson, William D.
Bickford, Walter E.
Bly, Belden G., Jr.
Bolling, Royal L., Jr.
Bunte, Doris
Businger, John A.
Cahir, Jeremiah F.
Card, Andrew H., Jr.
Cellucci, Argeo P.
Cohen, David B.
Cohen, Gerald M.
Cole, Lincoln P., Jr.
Collins, James G.

Costello, Nicholas J.
DeNucci, A. Joseph
DiMasi, Salvatore
Duffin, Dennis J.
Finneran, Thomas M.
Flaherty, Charles F., Jr.
Frank, Barney
Galvin, William F.
Gannett, Ann C.
Gibson, Mary Jane
Glodis, William J., Jr.
Graham, Sandra
Gray, Barbara E.
Healy, Jonathan L.
Hermann, Joseph N.

Holland, Iris K.
 Johnston, Philip W.
 Karol, Stephen J.
 Keating, William R.
 Larkin, Robert F., Jr.
 Lombardi, Leon J.
 Loring, John H.
 Lussier, Thomas R.
 Lynch, Thomas K.
 McKenna, Arthur J.
 Minahan, Alfred A., Jr.
 Murphy, John E., Jr.
 Nagle, William P., Jr.

Natsios, Andrew S.
 Paleologos, Nicholas A.
 Robinson, William G.
 Roche, Richard P.
 Silva, Richard R.
 Speliotis, Theodore C.
 Sullivan, Gregory William
 Voke, Richard A.
 Walsh, Richard L.
 Wetherbee, Bruce E.
 White, Thomas P.
 Whitney, A. James — 55.

NAYS (116).

Senators.

Bertonazzi, Louis P.
 Boverini, Walter J.
 Buell, Robert C.
 Burke, John P.
 Fitzpatrick, John H.
 Foley, Daniel J.
 Fonseca, Mary L.
 Hall, Robert A.
 Lewis, Arthur Joseph, Jr.
 Locke, David H.

LoPresti, Michael, Jr.
 McCann, Francis X.
 McKenna, Denis L.
 Parker, John F.
 Shea, Philip L.
 Wall, William X.
 Walsh, Joseph B.
 Wetmore, Robert D.
 Zarod, Stanley J. — 19.

Representatives.

Aguiar, Antone S., Jr.
 Aleixo, Theodore J., Jr.
 Almeida, Alfred
 Ambler, Robert B.
 Asiaf, Peter George
 Bassett, Timothy A.
 Bevilacqua, Francis J.
 Bohigian, Robert J.
 Bourque, George J.
 Brownell, Thomas F.
 Buglione, Nicholas J.
 Cahoon, Howard C., Jr.
 Carey, William A.
 Cataldo, Angelo R.
 Cerasoli, Robert A.
 Chmura, Rudy
 Ciccarelli, Salvatore
 Cimino, Salvatore P.
 Clark, Forrester A., Jr.
 Cochran, Deborah R.
 Collaro, Andrew
 Connelly, Edward W.
 Corazzini, Leo R.
 Correia, Robert
 Craven, James J., Jr.

Cusack, John F.
 Decas, Charles N.
 DeFilippi, Walter A.
 Demers, Richard H.
 Doyle, Charles Robert
 Driscoll, John R.
 Dwinell, Richard J.
 Fallon, Thomas F.
 Feeney, Michael Paul
 Finnegan, John J.
 Fitzgerald, Kevin W.
 Flaherty, Michael F.
 Flynn, Peter Y.
 Flynn, William J., Jr.
 Freeman, Bruce N.
 Gillette, Robert W.
 Goyette, Roger R.
 Gray, John
 Greenhalgh, Haden G.
 Grenier, Henry R.
 Harrington, James T.
 Howe, Marie E.
 Keverian, George
 LaFontaine, Raymond M.
 Lambros, Nickolas

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|--------------------------|----------------------------|
| Lawrence, Denis | Nickinello, Louis R. |
| LeLacheur, Edward A. | Norton, Thomas C. |
| Lombardi, Michael J. | Perry, John B. |
| Long, John J. | Picucci, Angelo |
| MacLean, William Q., Jr. | Pierce, Steven D. |
| Manning, M. Joseph | Piro, Vincent J. |
| Marotta, Angelo | Poirier, Kevin |
| Matrango, Frank J. | Pokaski, Daniel F. |
| McGee, Thomas W. | Rea, Michael J., Jr. |
| McGlynn, Michael J. | Rogers, Andrew J., Jr. |
| McNally, Charles F. | Rohan, Robert J. |
| McNeil, John C. | Rourke, Timothy M. |
| McNeil, Robert D. | Ruane, J. Michael |
| Melia, John F. | Saltmarsh, Sherman W., Jr. |
| Menard, Joan M. | Scelsi, Joseph S. |
| Metayer, Elizabeth N. | Scibelli, Anthony M. |
| Miceli, James R. | Semensi, Joseph J. |
| Monahan, F. John | Serra, Emanuel G. |
| Moore, Richard T. | Switzler, Royall H. |
| Morrissey, Michael W. | Tougas, Roger L. |
| Mullins, William D. | Vigneau, Robert A. |
| Murray, Mary Jeanette | White, W. Paul |
| Navin, Joseph M. | Woodward, Francis H. — 97. |
| Nelson, David Robert | |

ABSENT OR NOT VOTING (9).

Senators.

| | |
|-----------------------|-------------------------|
| Brennan, John A., Jr. | Timilty, Joseph F. — 2. |
|-----------------------|-------------------------|

Representatives.

| | |
|-------------------------|------------------------------|
| Creedon, Michael C. | Lawton, Mark E. |
| Jordan, Raymond A., Jr. | Mofenson, David J. |
| Khoury, Arthur M. | Saggese, Alfred E., Jr. — 7. |
| King, Melvin H. | |

Motion to
reconsider
negatived.

The yeas and nays having been completed at seven minutes past twelve o'clock noon, the amendment was *rejected*.

Mr. Backman moved that this vote be reconsidered; and, after debate, this motion was *negatived*, by a vote of 15 to 35.

Mr. Owens moved that the proposal be amended by adding at the end thereof the following:

Provided however capital punishment shall not be imposed for any crime other than murder in this Commonwealth.

After remarks, the question on adopting this amendment was determined by a call of the yeas and nays, at eighteen minutes before one o'clock P.M., on motion of Mr. Backman, as follows, to wit (yeas 68 — nays 123): —

YEAS (68).

Senators.

| | |
|--------------------|-------------------------|
| Amick, Carol C. | McCarthy, Robert E. |
| Atkins, Chester G. | McKinnon, Allan R. |
| Aylmer, John F. | Olver, John W. |
| Backman, Jack H. | Owens, Bill |
| Burke, Edward L. | Pollard, Sharon M. |
| D'Amico, Gerard | Rotondi, Samuel |
| Harold, Paul D. | Sisitsky, Alan D. — 15. |
| King, John G. | |

Representatives.

| | | |
|---------------------------|---------------------------|--|
| Alexander, Lawrence R. | Johnston, Philip W. | Mr. Owens amendment rejected, — yea and nay No. 376. |
| Barrett, Michael J. | Jordan, Raymond A., Jr. | |
| Benson, William D. | Karol, Stephen J. | |
| Bickford, Walter E. | Keating, William R. | |
| Bolling, Royal L., Jr. | King, Melvin H. | |
| Bunte, Doris | Larkin, Robert F., Jr. | |
| Businger, John A. | Lombardi, Leon J. | |
| Cahir, Jeremiah F. | Loring, John H. | |
| Card, Andrew H., Jr. | Lussier, Thomas R. | |
| Cellucci, Argeo P. | Lynch, Thomas K. | |
| Cohen, David B. | McKenna, Arthur J. | |
| Cohen, Gerald M. | Minahan, Alfred A., Jr. | |
| Cole, Lincoln P., Jr. | Murphy, John E., Jr. | |
| Collins, James G. | Nagle, William P., Jr. | |
| Costello, Nicholas J. | Natsios, Andrew S. | |
| DeNucci, A. Joseph | Paleologos, Nicholas A. | |
| DiMasi, Salvatore | Robinson, William G. | |
| Duffin, Dennis J. | Roche, Richard P. | |
| Flaherty, Charles F., Jr. | Silva, Richard R. | |
| Frank, Barney | Speliotis, Theodore C. | |
| Gannett, Ann C. | Sullivan, Gregory William | |
| Gibson, Mary Jane | Switzler, Royall H. | |
| Glodis, William J., Jr. | Walsh, Richard L. | |
| Graham, Sandra | Wetherbee, Bruce E. | |
| Gray, Barbara E. | White, Thomas P. | |
| Healy, Jonathan L. | Whitney, A. James — 53. | |
| Hermann, Joseph N. | | |

NAYS (123).

Senators.

| | |
|----------------------|---------------------------|
| Bertonazzi, Louis P. | Fonseca, Mary L. |
| Boverini, Walter J. | Hall, Robert A. |
| Buckley, Anna P. | Hunt, Robert M. |
| Buell, Robert C. | Lewis, Arthur Joseph, Jr. |
| Burke, John P. | Locke, David H. |
| Doris, Francis D. | LoPresti, Michael, Jr. |
| Fitzpatrick, John H. | McCann, Francis X. |
| Foley, Daniel J. | McKenna, Denis L. |

Parker, John F.
Shea, Philip L.
Wall, William X.

Walsh, Joseph B.
Wetmore, Robert D.
Zarod, Stanley J. — 22.

Representatives.

Aguiar, Antone S., Jr.
Aleixo, Theodore J., Jr.
Almeida, Alfred
Ambler, Robert B.
Asiaf, Peter George
Bassett, Timothy A.
Bevilacqua, Francis J.
Bly, Belden G., Jr.
Bohigian, Robert J.
Bourque, George J.
Brownell, Thomas F.
Buglione, Nicholas J.
Cahoon, Howard C., Jr.
Carey, William A.
Cataldo, Angelo R.
Cerasoli, Robert A.
Chmura, Rudy
Ciccarelli, Salvatore
Cimino, Salvatore P.
Clark, Forrester A., Jr.
Cochran, Deborah R.
Collaro, Andrew
Connelly, Edward W.
Corazzini, Leo R.
Correia, Robert
Craven, James J., Jr.
Cusack, John F.
Decas, Charles N.
DeFilippi, Walter A.
Demers, Richard H.
Doyle, Charles Robert
Driscoll, John R.
Dwinell, Richard J.
Fallon, Thomas F.
Feeney, Michael Paul
Finnegan, John J.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Flaherty, Michael F.
Flynn, Peter Y.
Flynn, William J., Jr.
Freeman, Bruce N.
Galvin, William F.
Gillette, Robert W.
Goyette, Roger R.
Gray, John
Greenhalgh, Haden G.
Grenier, Henry R.

Harrington, James T.
Holland, Iris K.
Howe, Marie E.
Keverian, George
LaFontaine, Raymond M.
Lambros, Nickolas
Lawrence, Denis
LeLacheur, Edward A.
Lombardi, Michael J.
Long, John J.
MacLean, William Q., Jr.
Manning, M. Joseph
Marotta, Angelo
Matrango, Frank J.
McGee, Thomas W.
McGlynn, Michael J.
McNally, Charles F.
McNeil, John C.
McNeil, Robert D.
Melia, John F.
Menard, Joan M.
Metayer, Elizabeth N.
Miceli, James R.
Monahan, F. John
Moore, Richard T.
Morrissey, Michael W.
Mullins, William D.
Murray, Mary Jeanette
Navin, Joseph M.
Nelson, David Robert
Nickinello, Louis R.
Norton, Thomas C.
Perry, John B.
Picucci, Angelo
Pierce, Steven D.
Piro, Vincent J.
Poirier, Kevin
Pokaski, Daniel F.
Rea, Michael J., Jr.
Rogers, Andrew J., Jr.
Rohan, Robert J.
Rourke, Timothy M.
Ruane, J. Michael
Saggese, Alfred E., Jr.
Saltmarsh, Sherman W., Jr.
Scelsi, Joseph S.
Scibelli, Anthony M.
Semensi, Joseph J.

Serra, Emanuel G.
Tougas, Roger L.
Vigneau, Robert A.

White, W. Paul
Woodward, Francis H. — 101.

ABSENT OR NOT VOTING (7).

Senators.

Brennan, John A., Jr.

Timilty, Joseph F. — 2.

Representatives.

Creedon, Michael C.
Khoury, Arthur M.
Lawton, Mark E.

Mofenson, David J.
Voke, Richard A. — 5.

The yeas and nays having been completed at nine minutes before one o'clock P.M., the amendment was *rejected*.

Mr. Keverian moved that, unless sooner reached, debate on this matter end at half past two o'clock P.M.; and this motion prevailed, by a vote of 58 to 18.

Ms. Gray of Framingham moved that the proposal be amended by adding at the end thereof the following:

"Provided however that any statute imposing capital punishment shall require a two thirds affirmative vote of all the membership of both branches of the legislature by a roll call vote."; and this amendment was *rejected*, by a vote of 15 to 18.

Mr. Backman moved that the proposal be amended by adding at the end thereof the following:

"Provided however capital punishment shall not be imposed upon any person over the age of 70."; and this amendment was *rejected*.

The proposal was then ordered to a third reading.

The Proposal for an Initiative Amendment to the Constitution relative to limiting state and local taxation (see House, No. 6252) [NOTE: This title was inserted in the calendar for the joint convention and is being used in the journal for the information of the members. The original document is untitled.] (with reference to which the committee on Taxation has reported recommending that the amendment ought NOT to pass), — was read in accordance with the provisions of the special rules.

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The proposal was as follows: —

ARTICLE OF AMENDMENT.

INITIATIVE PETITION.

SECTION 1. PREAMBLE. It is the intent of this article that a reasonable relationship shall be maintained between the taxes imposed by the Commonwealth and its political subdivisions and the income of its people, between taxes on property and its value, and

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between the taxes imposed by the Commonwealth and its political subdivisions and the taxes imposed by other states. It shall therefore be the solemn duty of the general court and of the responsible officials of the Commonwealth, and of the governing bodies of the several cities, towns and other governmental units, to adopt such laws, regulations and practices as will best serve to effectuate the purposes of the following sections.

SECTION 2. DEFINITIONS. "Personal income": the total income received by persons in Massachusetts from all sources, as defined and officially reported by the United States Department of Commerce, or its successor agency.

"Limitation ratio": the quotient obtained by dividing the state and local revenues for the last three full fiscal years preceding the effective date of this article by total Massachusetts personal income for the same period.

"State and local revenues": the combined taxes, receipts, fees, licenses and other monetary exactions and interest in connection therewith, including but not limited to excises and taxes on retail sales and use, motor vehicle fuels, business and occupations, public utilities, alcoholic beverages, food and restaurants, tobacco, inheritances, estates, taxes on property, and motor vehicle excise taxes. The term does not include revenues of the independent authorities or of municipal utilities.

"Internal borrowing": the procedure whereby state government units borrow from state funds on a temporary basis to meet a cash flow deficiency.

SECTION 3. REVENUE LIMIT. There is hereby established a State and Local revenue limit for each fiscal year.

(a) Except as provided by Section 5, with respect to the fiscal years beginning after the effective date of this article no revenues shall be imposed by the Commonwealth to be due and payable in any fiscal year, which together with all revenues imposed by several cities, towns, counties, regional districts, etc., exceed in total an amount equal to ninety percent of the limitation ratio, multiplied by the total personal income of Massachusetts estimated to be received in such fiscal year as established by the Economics Estimates Board. But in no event shall the amount of revenue exacted by the Commonwealth and its political subdivisions exceed an amount equal to the total personal income of Massachusetts in such fiscal year, multiplied by the ratio obtained by dividing the estimated state and local revenues of all states in such fiscal year by the estimated personal income of all the states in such fiscal year based on the latest available data from the United States Department of Commerce. The revenue limit may be increased in the amount equal to that amount lost through the discontinuation of federal funding for existing programs and must be decreased by an amount equal in proportion to the amount received through increased federal funding for existing programs.

(b) All expenses in connection with obligations under any state or other governmental pension system shall be treated as a first priority against existing revenues provided by this article.

(c) Current expenses in connection with bonds or other indebtedness incurred prior to the effective date of this article shall so far as practicable be satisfied out of funds provided by this article. But additional revenues, may be raised, if necessary, to satisfy the aforesaid bonds and indebtedness, notwithstanding any other provision of this article.

SECTION 4. PROPERTY TAX LIMIT. No tax or combination of taxes on property, real or tangible personalty, shall in any fiscal year exceed two and one-half percent of its fair market value.

SECTION 5. PHASE-IN OF REVENUE LIMIT. In the first fiscal year after the effective date of this article, no revenues shall be imposed by the Commonwealth to be due and payable in that fiscal year which together with all revenues imposed by the several counties, cities and towns would exceed in total an amount equal to ninety-seven and five-tenths percent of the limitation ratio multiplied by the total personal income of Massachusetts estimated to be received in such fiscal year.

In the second fiscal year after the effective date of this article, no revenues shall be imposed by the Commonwealth to be due and payable in that fiscal year which together with all revenues imposed by the several counties, cities, and towns would exceed in total an amount equal to ninety-five percent of the limitation ratio multiplied by the total personal income of Massachusetts estimated to be received in that fiscal year.

In the third fiscal year after the effective date of this article, no revenues shall be imposed by the Commonwealth to be due and payable in that fiscal year which together with all revenues imposed by the several counties, cities, and towns would exceed in total an amount equal to ninety-two and five-tenths percent of the limitation ratio multiplied by the total personal income of Massachusetts estimated to be received in that fiscal year.

SECTION 6. DISPOSITION OF SURPLUS REVENUES. If total revenues in any fiscal year exceed the revenue limit for that fiscal year, the excess shall be transferred by the legislature to the Special Reserve Fund. Any surplus of revenues in excess of the amount necessary to maintain the Special Reserve Fund shall be returned at the end of the fiscal year to taxpayers in a manner prescribed by the general court as approved by the governor.

SECTION 7. SPECIAL RESERVE FUND. (a) Within five years of the effective date of this article, the legislature shall establish and maintain a Special Reserve Fund of five-tenths of one percent of the state personal income. Monies appropriated to the Special Reserve Fund shall be from state tax revenues and shall be subject to the State Tax Revenue Limit.

(b) Upon the governor's declaration of an emergency, which declaration shall be specific as to the nature and dollar amount of the emergency, and the exhaustion of such funds as may be available from other sources such as internal borrowing or federal emergency funds, the legislature may, by a three-quarters vote of each house, make appropriations from the Special Reserve Fund to meet the

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emergency. If that fund is exhausted, the legislature may, by a three-quarters vote of each house provide for the issuance of bonds or notes to meet the emergency provided that the bonds or notes shall mature not later than the end of the fiscal year next following their issuance. And the legislature may, at the same time, provide by three-quarters vote of each house for a specific tax increase or a specific new tax designated solely to meet the emergency situation. Any tax so enacted shall remain in effect no longer than two years.

(c) Except as provided in this article, bonds shall not be used to finance operating expenses but may be used only to finance capital improvements. Tax anticipation notes may be used providing the redemption date of such notes is not subsequent to the end of the then current fiscal year.

SECTION 8. ECONOMICS ESTIMATES BOARD. (a) There shall be an Economics Estimates Board consisting of the State Treasurer, two appointees of the governor who are not members of the legislature or employees of the Commonwealth, one designee appointed by the Senate and one by the House who are not members of the legislature or an employee of the Commonwealth. Actions by the Board shall require the concurrence of four of its members. The Board Chairman shall utilize the resources of existing state agencies in carrying out the Board's duties.

(b) The Board shall determine and publish, prior to April 1 of each year, a State and Local Revenue Limit for the following fiscal year by making and publishing all necessary estimates and calculations as provided in this article. The Board shall determine the State and Local Revenue Limit for the fiscal year next following approval of this article. If the Board does not act to determine the State and Local Revenue Limit before July 1 of a fiscal year, the State and Local Revenue Limit for that fiscal year shall remain the same as for the previous fiscal year. The Board shall also determine and publish such estimates of the State and Local Revenue Limit as are necessary for the orderly and proper development of state and local Budgets.

SECTION 9. TAXPAYER SUITS. Any taxpayer of the state shall have standing to bring suit in the Supreme Judicial Court to enforce the provisions of this article and, if the suit is sustained, shall receive from the applicable unit of government his costs incurred in maintaining such suit.

Mr. Cohen of Andover moved that the initiative amendment be amended by striking out sections 1 to 9, inclusive, and inserting in place thereof the following:

SECTION 1. Since total taxes borne by the people of the commonwealth have become unduly burdensome, and since it is the will of the people of the commonwealth that state and local revenues should take a decreasing share of total personal income so that the percent of personal income taken for state and local revenues will be reduced to a level that is more competitive with other industrial states, be it therefore declared that there shall be in effect, with respect to fiscal years beginning July first, nineteen hundred and eighty-three and thereafter, state and local tax limitations as hereinafter provided

which shall be equally applicable to all cities and towns, to all districts which have the authority to levy directly a property tax, to all governing bodies and regional governmental units, and to the commonwealth and its agencies.

SECTION 2. Whenever used in the text of this article the following words and terms shall have the following meanings:—

“Allocable share of the total unfunded pension liability”, the proportion which the relevant unfunded pension liability bears to the total of all unfunded pension liabilities in the commonwealth, multiplied by one per cent of the total state personal income for the then current year.

“Appropriations”, all sums of money voted by a city or town, or by a district which has the authority to levy directly a property tax, to be raised from the tax levy, from free cash, from other available funds or from federal revenue sharing funds, except for sums which are required (a) for the payment of principal and interest on bonds, notes or certificates of indebtedness or for the city, town or district's apportioned share of the principal and interest on bonds or notes issued by a regional governmental unit; (b) for the payment of the unfunded pension liability, but not in excess of the allocable share of the total unfunded pension liability of the city, town, or district; (c) for the payment of assessments made by a regional governmental unit on the basis of a budget which does not exceed the limit or increased limits; (d) for the payment of sums voted for city, town or district revenue-producing enterprises, including but not limited to municipal hospitals and municipal water, sewer, electric and gas facilities, but only to the extent that such sums are paid from fees and charges; and (e) to compensate for any decreased local aid.

“Budget”, all sums of money to be used by a regional governmental unit or by a school committee of a city or town for operations, maintenance and capital outlay, except for sums which are (a) required for the payment of principal and interest on bonds or notes; (b) raised from the proceeds of duly authorized bonds or notes; (c) proceeds of any federal or state grant; (d) for the payment of the unfunded pension liability, but not in excess of the allocable share of the total unfunded pension liability of the regional governmental unit or school committees; and (e) to compensate for any decreased local aid.

“Decreased federal aid”, for a fiscal year shall be any amount by which the federal aid for such fiscal year is less than the federal aid for the next preceding fiscal year multiplied by the tax limitation percentage of the current fiscal year.

“Decreased local aid”, for a fiscal year shall be any amount by which the local aid for such fiscal year is less than the local aid for the next preceding fiscal year multiplied by the tax limitation percentage of the then current fiscal year.

“Federal aid”, for a fiscal year shall be the total amount of federal aid distributed by the United States government, or its agencies, in such fiscal year to the commonwealth.

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"Governing body", the board, committee, commissioners or other legislative body of a regional governmental unit and the school committee of any city or town.

"Increased local aid", for a fiscal year shall be any amount by which the local aid for such fiscal year exceeds the local aid for the next preceding fiscal year multiplied by tax limitation percentage for the then current fiscal year.

"Levy", the net amount to be raised in accordance with the law by a city or town or by a district which has the authority to levy directly a property tax in any fiscal year after deducting therefrom (a) amounts assessed as an overlay or to cover overlay deficits, or shortfalls in estimated receipts used for calculating the tax levy for prior years; (b) amounts necessary to pay final judgments or other expenditures ordered by any court of the commonwealth or the United States; (c) amounts necessary to provide for the payments of charges and assessments by the commonwealth or its agencies under any general or special law; (d) amounts necessary for the payments of charges and assessments made by a regional governmental unit on the basis of a budget which does not exceed the limit or increased limit; (e) amounts which are required for the payment of principal and interest on bonds, notes or certificates of indebtedness issued by the city, town or district or for the city, town or district's apportioned share of the principal and interest on bonds or notes issued by a regional governmental unit; (f) amounts appropriated for the payment of the unfunded pension liability, but not in excess of the allocable share of the total unfunded pension liability of the city, town, or district; (g) to compensate for any decreased local aid; and (h) to compensate for any decrease in state assumption of local costs.

"Local aid", for a fiscal year shall be the total amount of local aid distributed by the commonwealth in such fiscal year to cities, towns and districts.

"Local appropriating authority", in a town, the town meeting; in a city, the council, with the mayor's approval when required by law; in a municipality having a town council form of government, the town council; and in a district which has the power to levy directly a property tax, the district meeting.

"Regional governmental unit", any county or district, unless otherwise specified, which does not levy directly a property tax and the budget of which is financed in whole or in part by sums raised in the property tax levy of any one or more cities and towns.

"Revenue limitation board", that board established pursuant to section nineteen of this article.

"Seventeen most similar states", that group of seventeen states, as determined annually by the revenue limitation board, with which the commonwealth is most competitive in attracting and retaining business and jobs.

"State assumption of local costs", for a fiscal year shall be any amount expended by the commonwealth for cost of programs which were borne, in whole or in part, by cities, towns or districts prior to the fiscal year commencing on July first, nineteen hundred and eighty-three.

"State taxes", for a fiscal year shall be an amount, as calculated by the revenue limitation board, equal to all taxes imposed by the commonwealth for any general governmental purpose due and payable in such fiscal year, except for sums which are required (a) for the payment of principal and interest on bonds, notes or certificates of indebtedness; (b) to provide increased aid; (c) for the state assumption of local costs; (d) for the payment of the unfunded pension liability, but not in excess of the allocable share of the total unfunded pension liability of the commonwealth; and (e) to compensate for any decreased federal aid.

"Tax burden", that percentage of total state personal income which accounts for total state and local revenues, as calculated by the revenue limitation board.

"Tax limitation percentage", for a fiscal year shall equal one hundred per cent plus the percentage, if any, by which the total state personal income in the preceding calendar year exceeded the total state personal income in the second preceding calendar year, as calculated by the revenue limitation board to the nearest one hundredth of one per cent; provided, however, that the tax limitation percentage shall be reduced by any amount required by the revenue limitation board pursuant to section eighteen of this article; and provided, further, that the tax limitation percentage shall not be less than one hundred per cent.

"Total state and local revenues", the total amount of taxes, charges and miscellaneous general revenues collected from all state, city, town, district and regional governmental unit sources of the commonwealth or from all comparable state and local governmental sources of the seventeen most similar states, as the case may be, as calculated by the revenue limitation board; provided, however, that the total state and local revenues for Massachusetts shall be calculated excluding (i) all amounts used for payments of allocable shares of unfunded pension liability, and (ii) all amounts, if any, of total state and local revenues of the commonwealth collected in excess of the budget, appropriation, levy or state tax limits or increased limits set pursuant to the provisions of sections three to seventeen, inclusive.

"Total state personal income", the total personal income of all residents of the commonwealth or of the seventeen most similar states, as the case may be, as calculated by the revenue limitation board.

"Unfunded pension liability", that amount by which the liability of any one or more retirement program or programs exceeds the assets of such program or programs.

SECTION 3. In any fiscal year, state taxes shall not exceed an amount equal to the amount of state taxes collected in the next preceding fiscal year multiplied by the tax limitation percentage of such fiscal year. If at the close of the fiscal year the state taxes collected during the fiscal year exceeded the limit imposed for this year by this section, the amount in excess shall be credited to the fund established by section twenty of this article. The limit imposed by this section shall be reduced by (a) any amount by which the total amount of all

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charges and assessments made by the commonwealth upon cities, towns or districts in the then current fiscal year exceed the total amount of such charges and assessments in the preceding fiscal year, not including those charges and assessments for services customarily provided locally or for services subscribed to at local option, but state taxes shall not be reduced by any amount of increased charges and assessments which are based solely on budgetary increases approved in accordance with the provisions of this article; (b) any amount by which the amount of local aid for the then current fiscal year is less than the amount of local aid in the preceding fiscal year multiplied by the tax limitation percentage; and (c) any amount by which the amount of state assumption of local costs is less than the amount of state assumption of local costs in the preceding fiscal year. The limit imposed by this section may be increased by those amounts approved in accordance with the provisions of section four.

SECTION 4. The state tax limit imposed pursuant to section three may be increased by a specified amount either by a two-thirds vote of both branches of the state legislature together with the approval of the governor or by any more stringent requirement that may be adopted.

SECTION 5. No governing body shall approve a budget for a fiscal year which is greater than the tax limitation percentage for such fiscal year multiplied by the budget approved by said governing body for the next preceding fiscal year; provided, however, that such budget may be increased by those amounts approved in accordance with the applicable provisions of sections eight to twelve, inclusive.

SECTION 6. No local appropriating authority shall approve appropriations for a fiscal year which are greater than the tax limitation percentage for such fiscal year multiplied by the appropriations approved by said authority for the preceding fiscal year; provided, however, that said appropriations may be increased by those amounts approved in accordance with the applicable provisions of sections eight, nine, thirteen and fourteen.

SECTION 7. No property tax levy in any city or town or in any district which levies directly a property tax shall be assessed for a fiscal year which is greater than the tax limitation percentage for such fiscal year multiplied by the amount of such levy for the next preceding fiscal year; provided, however, that said levy may be increased by those amounts approved in accordance with the applicable provisions of section six and sections eight to fourteen, inclusive. Such levy shall be decreased by any amounts of increased local aid and state assumption of local costs.

SECTION 8. Any governing body which submits its budget request directly to only one local appropriating authority may, by a two-thirds vote, submit a request to increase the budget limit imposed pursuant to section five by a specified amount. The request may be approved, in whole or in part, either by a two-thirds vote of the local appropriating authority or by any more stringent requirement that may be adopted.

SECTION 9. Any regional governmental unit, other than a region-

al school district or transit authority, which submits budget requests directly to more than one local appropriating authority, may, by a two-thirds vote of its governing body, submit requests to increase the budget limit imposed pursuant to section five by a specified amount. The request may be approved either by a two-thirds vote of the local appropriating authorities, or by any more stringent requirement that may be adopted, in no less than two-thirds of the cities, towns or districts participating in such regional governmental unit and, upon such approval, shall be deemed approved in all of such cities, towns, and districts.

SECTION 10. Any regional school district may, either by a four-fifths vote of all the members of its regional district school committee or by any more stringent requirement that may be adopted, increase by a specified amount the budget limit imposed pursuant to section five.

SECTION 11. Any regional transit authority may, either by a two-thirds vote of its governing body or by any more stringent requirement that may be adopted, increase by a specified amount the budget limit imposed pursuant to section five; provided, however, if the approval of the budget of said authority by an advisory board or board having similar powers is required by law, the approval of such increase shall be either by a two-thirds vote of the members of said board present and voting or by any more stringent requirement that may be adopted.

SECTION 12. Any regional governmental unit which does not submit its budget request directly to a local appropriating authority may, by a two-thirds vote of its governing body, submit a request to increase the budget limit imposed pursuant to section five by a specified amount to the general court. The request may be granted, in whole or in part, either by a majority vote of both branches of the legislature and with the approval of the governor or by any more stringent requirement that may be adopted.

SECTION 13. The appropriations limit imposed pursuant to section six may be increased by a specified amount either by a two-thirds vote of the local appropriating authority in any city, town or district or by any more stringent requirement that may be adopted.

SECTION 14. The levy limit imposed pursuant to section seven may be increased by not exceeding a specified amount either by a two-thirds vote of the local appropriating authority in any city, town or district or by any more stringent requirement that may be adopted.

SECTION 15. In a city, town or a district which levies directly a property tax, any free cash available at the close of a fiscal year shall be used as a continuing appropriation for the purpose of reducing the property tax levy for the next succeeding fiscal year; provided, however, that a specified amount of said free cash may be exempted from the provisions of this section either by a two-thirds vote of the local appropriating authority or by any more stringent requirement that may be adopted.

SECTION 16. The limits applicable to each governing body or local appropriating authority under the provisions of sections five to

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seventeen, inclusive, shall be determined and certified to the proper governing body or local appropriating authority. If any such limit is increased or decreased in accordance with the provisions of this article, the limits shall be redetermined accordingly and increased or decreased limits shall be certified to the proper governing body or local appropriating authority forthwith.

No tax rate shall be fixed in any city or town until such rate has been approved and no tax rate shall be approved which would allow the amount of property taxes levied to exceed the levy limit or adjusted levy limit determined. In the case of a county, the budget limit applicable to each county shall also be certified to the committee or committees of the general court which have the responsibility of overseeing such budgets.

The legislature may, by statute, designate the agency to be responsible for carrying out the requirements of this section.

SECTION 17. For any fiscal year, a governing body or local appropriating authority which, prior to the receipt of certification of its budget limit, appropriations limit or levy limit, as the case may be, has approved a budget or appropriated monies for such fiscal year shall reconsider its actions, if necessary to comply with the limits imposed pursuant to this article unless such governing body or local appropriating authority has approved its budget or appropriated monies for such fiscal year in the same manner as required by sections five to fifteen, inclusive.

SECTION 18. Whenever the revenue limitation board determines that the average tax burden in the commonwealth for the three most recent years will exceed the average tax burden in the seventeen most similar states for the comparable period, said board shall set the maximum allowable tax burden for the next succeeding year at the percentage equal to said average tax burden in the commonwealth for the three most recent years minus the lesser of (i) one-half of one per cent, or (ii) the amount by which said average tax burden in the commonwealth for the three most recent years exceeds the average tax burden in the seventeen most similar states for the comparable period; provided, however, that there shall be an additional one per cent of the total state personal income available solely for any payments toward the allocable shares of the total unfunded pension liability.

In order to ensure that the maximum allowable tax burden will not be exceeded, the revenue limitation board shall reduce the tax limitation percentage, as defined in section two, by any amount deemed necessary by said board, but not below one hundred per cent.

In each year the revenue limitation board shall report its calculation of the tax limitation percentage for the next succeeding fiscal year to the general court no later than the March first preceding the first day of such next succeeding fiscal year.

SECTION 19. There is hereby established a revenue limitation board to be composed of both the house and senate chairmen of the committee of the general court which has the responsibility of reviewing taxation matters, the secretary of administration or his success-

sor, and four members of the general public to be appointed by the governor and to serve at his pleasure; at least two of the gubernatorial appointees shall be experienced in the field of economics, of the remaining two, one shall be experienced in the field of business management and the other shall be a member of a recognized labor union. The governor shall designate one member as chairman. Members of the board shall serve without compensation but shall be paid their necessary expenses incurred in the performance of their duties. The board may employ, subject to appropriation, such technical experts and other assistants as may be required in the performance of its duties.

The revenue limitation board shall calculate and determine all statistics and other matters necessary to carry out the intent of this article. All calculations and determinations by the board shall be based on statistics determined or estimated and reported by the United States Department of Commerce or a successor federal agency; provided, however, that the board may adjust any such statistics or estimates to carry out the intent of this article. The board shall make an annual report to the general court, not later than April fifteenth of each year, concerning its operations and the operation and effect of this article.

SECTION 20. The legislature is hereby authorized to establish and set up on the books of the commonwealth a separate fund, into which shall be credited an amount as determined by section three of this article. Pending withdrawal, monies credited to the fund shall be held by the treasurer and reinvested as authorized in the general laws. Amounts received as interest earned and gains realized by the investment of monies on deposit in such fund shall be retained in such fund and held and invested and reinvested by the state treasurer in the same manner as monies credited to such fund. All or any portion of the monies credited to the fund from time to time may be appropriated by acts of the general court for the purpose or purposes established in such acts; provided, however, the appropriation is approved by a two-thirds vote of each branch of the general court and the governor.

SECTION 21. This article shall apply to the fiscal and calendar years beginning on or after July first, nineteen hundred and eighty-three and thereafter.

After remarks, Mr. Natsios of Holliston moved that the pending amendment be amended by striking out the text and inserting in place thereof the following text:

SECTION 1. Preamble. It is the intent of this article that a reasonable relationship shall be established and maintained between the taxes imposed by the commonwealth and its political subdivisions and the income of its people and between the burden imposed by governmental costs on the income of the people in the commonwealth and such burden in other states. The general court shall enact such laws as will best serve to carry out the purposes of this article.

SECTION 2. State Tax Limit. No taxes shall be imposed by the commonwealth in excess of the state tax limit hereinafter provided.

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(a) The state tax limit, in the first fiscal year beginning after the effective date of this amendment and in each subsequent fiscal year, shall be an amount equal to all taxes collected by the commonwealth in the next preceding fiscal year (other than taxes imposed in accordance with Section 4 of this Article) increased by the tax limitation percentage for such fiscal year. The tax limitation percentage for any fiscal year, as used in this article, shall mean the percentage by which estimated total personal income of all inhabitants of the commonwealth in such fiscal year exceeds such estimated personal income in the next preceding fiscal year, or two-thirds of such percentage, if the revenue ratio of the commonwealth exceeded the combined revenue ratio of all other states in the most recent fiscal year for which such data have been determined. The revenue ratio of the commonwealth or the combined revenue ratio of all other states in a fiscal year, as used in this article, shall mean the percentage which taxes, charges and miscellaneous general revenues collected by state and local governments in the commonwealth or in all other states, as the case may be, during such fiscal year bear to the total personal income of all inhabitants of the commonwealth or of all other states in such fiscal year.

(b) The determinations of estimated personal income and revenue ratios for the purpose of this article shall be made by an independent board, established by law for this purpose, on the basis of data and criteria used by the United States Department of Commerce or a successor federal agency, and such other information as the board may deem appropriate.

(c) The state tax limit so determined for any fiscal year shall be increased or decreased by the amount by which the net amount of state financial aid to local governmental units in such fiscal year is greater or less, as the case may be, than the net amount of such aid in the next preceding fiscal year, as increased by the tax limitation percentage for such fiscal year. The net amount of state financial aid to local governmental units in any fiscal year, as used in this article, shall mean the sum of the amount of financial aid distributed by the commonwealth to local governmental units, either directly or to regional entities supported by local property taxes, in such fiscal year and the amount of costs assumed by the commonwealth in such fiscal year which were borne by local governmental units in the next preceding fiscal year, less the sum of the amount of all assessments and charges made by the commonwealth directly or indirectly against local governmental units in such fiscal year for the use of the commonwealth or any of its political subdivisions and the amount of costs assumed by local governmental units in such fiscal year which were borne by the commonwealth in the next preceding fiscal year and any amounts paid by the commonwealth under Section 6 of this article. A local government unit, as used in this article, shall mean any city, town, district or other political subdivision of the commonwealth which has the power to levy taxes directly.

(d) The state tax limit for a fiscal year shall be decreased or increased by the amount by which the net amount of financial aid to

the commonwealth from the federal government in such fiscal year is greater or less, as the case may be, than the net amount of such aid in the next preceding fiscal year, as increased by the tax limitation percentage for such fiscal year.

(e) There shall be excluded from the state tax limit, including the computation thereof, any amounts required to pay the principal and interest on any indebtedness of the commonwealth or for the payment of which the commonwealth may by law be responsible and any amounts which may be appropriated to fund the costs of pensions and retirement allowances in excess of amounts required to pay benefits due and payable in the current fiscal year.

(f) The state tax limit for a fiscal year shall be decreased by any amount by which state taxes collected in the next preceding fiscal year exceeded the state tax limit for such preceding fiscal year.

(g) The state tax limit may be increased or decreased for one or two fiscal years by the adoption of a tax limitation percentage greater or less than the tax limitation percentage provided by this article by a majority vote of the voters voting thereon at a statewide election approving a measure placed on the ballot by a vote, taken by the yeas and nays, of a majority of each house of the general court present and voting thereon or by an initiative petition in accordance with Article XLVIII of the Articles of Amendment.

(h) The state tax limit for any fiscal year may be increased if the revenue ratio of the commonwealth is less than the combined revenue ratio of all other states in the most recent fiscal year for which such data have been determined, by the adoption of a tax limitation percentage applicable to the state tax limit which is greater than the tax limitation percentage provided by this article, by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon.

SECTION 3. State Debt Limit. No indebtedness of the commonwealth, including any gift, loan or pledge of its credit, or for the payment of which the commonwealth may by law be responsible, other than indebtedness to be repaid prior to the end of the fiscal year in which it is incurred, shall be authorized in any fiscal year which, together with all such indebtedness then outstanding or authorized but not issued, would be in excess of the state debt limit hereinafter provided. The state debt limit, in the first fiscal year beginning after the effective date of this amendment and in each subsequent fiscal year, shall be an amount equal to the amount of such indebtedness outstanding or authorized but unissued at the beginning of the next preceding fiscal year, increased by two-thirds of the percentage by which the estimated personal income of all inhabitants of the commonwealth in such fiscal year exceeds such estimated personal income in the next preceding fiscal year or such higher or lower percentage or percentages, as the case may be, as may be approved from time to time for one or more fiscal years by a majority vote of the voters voting thereon at a statewide election approving a measure placed on the ballot by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting

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thereon or by an initiative petition in accordance with Article XLVIII of the Articles of Amendment.

SECTION 4. Emergency Provisions. Upon the declaration by the Governor of an emergency requiring additional tax revenue in excess of the state tax limit or additional borrowing in excess of the state debt limit, the general court may, by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon, provide, in excess of the state tax limit or the state debt limit, for a specific tax increase or a specific new tax or a specific borrowing of money, or a combination of such measures, solely to meet such emergency. Such tax increase or new tax, to the extent in excess of the state tax limit, shall remain in effect no longer than two years unless its continuation is approved by the voters at a statewide election for an additional period of not more than two years. Such borrowing, to the extent in excess of the state debt limit, shall be repaid in not more than two years.

SECTION 5. Local Tax Limit. No taxes shall be imposed by any local governmental unit in excess of the local tax limit as hereinafter provided.

(a) The aggregate local tax limit for all local governmental units, in the first fiscal year beginning after the effective date of this amendment and in each subsequent fiscal year, shall be an amount equal to all taxes assessed by local governmental units in the next preceding fiscal year, increased by the tax limitation percentage for such fiscal year. The aggregate local tax limit so determined for a fiscal year shall be decreased or increased by the amount by which the net amount of state financial aid to local governmental units in such fiscal year is greater or less, as the case may be, than the net amount of such aid in the next preceding fiscal year, as increased by the tax limitation percentage for such fiscal year.

(b) Unless the general court establishes, by two-thirds vote of each house, taken by the yeas and nays, a different formula for the determination of local tax limits within the aggregate local tax limit for a fiscal year, the local tax limit applicable to each local governmental unit for such fiscal year shall be an amount equal to the taxes assessed by such local governmental unit in the next preceding fiscal year, increased by the tax limitation percentage for such fiscal year; such local tax limit shall be decreased or increased by the amount by which the net amount of state financial aid to such local governmental unit in such fiscal year is greater or less, as the case may be, than the net amount of such aid in the next preceding fiscal year, as increased by the tax limitation percentage for such fiscal year.

(c) There shall be excluded from any local tax limit, including the computation thereof, any amounts required to pay the principal and interest on any indebtedness of any local governmental unit or for the apportioned share of any local governmental unit of the principal and interest on any indebtedness of any other governmental entity, and any amounts which may be appropriated to fund the costs of pensions and retirement allowances in excess of amounts required to pay benefits due and payable in the current fiscal year.

(d) The local tax limit in any local governmental unit may be increased or decreased from time to time for one or more fiscal years by the adoption of a tax limitation percentage or percentages, as the case may be, applicable to such local tax limit which are greater or less than the tax limitation percentage provided under this article, by a two-thirds vote of the local appropriating authority and in addition, except in a town or district with an unlimited town or district meeting, by a majority vote of the voters of such local governmental unit voting thereon at a regular local election or a special election called for the purpose.

SECTION 6. Mandated Programs. No law enacted by the general court which directly or indirectly would impose additional costs on any local governmental unit or deprive it of revenue shall be effective unless its provisions have been accepted according to law by such local governmental unit or unless the commonwealth has assumed, subject to specific appropriation, and pays all of the costs so imposed or the cost of revenue so lost, as nearly as such costs can be determined, for at least the five ensuing fiscal years.

SECTION 7. Taxpayer Suits. Any taxpayer of the commonwealth shall have standing to bring suit in the Supreme Judicial Court to enforce the provisions of this article and, if the suit is sustained, shall receive from the applicable unit of government his costs, including reasonable attorneys' fees, incurred in maintaining such suit.

After debate, this amendment was *rejected*, by a vote of 20 to 41.

Mr. Natsios of Holliston moved that the pending amendment be amended by striking out the text and inserting in place thereof the following text:

SECTION 2. State Tax Limit. No taxes shall be imposed by the commonwealth in excess of the state tax limit hereinafter provided.

(a) The state tax limit, in the first fiscal year beginning after the effective date of this amendment and in each subsequent fiscal year, shall be an amount equal to all taxes collected by the commonwealth in the next preceding fiscal year (other than taxes imposed in accordance with Section 4 of this Article) increased by the tax limitation percentage for such fiscal year. The tax limitation percentage for any fiscal year, as used in this article, shall mean the percentage by which estimated total personal income of all inhabitants of the commonwealth in such fiscal year exceeds such estimated personal income in the next preceding fiscal year, or two-thirds of such percentage, if the revenue ratio of the commonwealth exceeded the combined revenue ratio of all other states in the most recent fiscal year for which such data have been determined. The revenue ratio of the commonwealth or the combined revenue ratio of all other states in a fiscal year, as used in this article, shall mean the percentage which taxes, charges and miscellaneous general revenues collected by state and local governments in the commonwealth or in all other states, as the case may be, during such fiscal year bear to the total personal income of all inhabitants of the commonwealth or of all other states in such fiscal year.

(b) The determinations of estimated personal income and revenue

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ratios for the purpose of this article shall be made by an independent board, established by law for this purpose, on the basis of data and criteria used by the United States Department of Commerce or a successor federal agency, and such other information as the board may deem appropriate.

(c) The state tax limit so determined for any fiscal year shall be increased or decreased by the amount by which the net amount of state financial aid to local governmental units in such fiscal year is greater or less, as the case may be, than the net amount of such aid in the next preceding fiscal year, as increased by the tax limitation percentage for such fiscal year. The net amount of state financial aid to local governmental units in any fiscal year, as used in this article, shall mean the sum of the amount of financial aid distributed by the commonwealth to local governmental units, either directly or to regional entities supported by local property taxes, in such fiscal year and the amount of costs assumed by the commonwealth in such fiscal year which were borne by local governmental units in the next preceding fiscal year, less the sum of the amount of all assessments and charges made by the commonwealth directly or indirectly against local governmental units in such fiscal year for the use of the commonwealth or any of its political subdivisions and the amount of costs assumed by local governmental units in such fiscal year which were borne by the commonwealth in the next preceding fiscal year and any amounts paid by the commonwealth under Section 6 of this article. A local governmental unit, as used in this article, shall mean any city, town, district or other political subdivision of the commonwealth which has the power to levy taxes directly.

(d) The state tax limit for a fiscal year shall be decreased or increased by the amount by which the net amount of financial aid to the commonwealth from the federal government in such fiscal year is greater or less, as the case may be, than the net amount of such aid in the next preceding fiscal year, as increased by the tax limitation percentage for such fiscal year.

(e) There shall be excluded from the state tax limit, including the computation thereof, any amounts required to pay the principal and interest on any indebtedness of the commonwealth or for the payment of which the commonwealth may by law be responsible and any amounts which may be appropriated to fund the costs of pensions and retirement allowances in excess of amounts required to pay benefits due and payable in the current fiscal year.

(f) The state tax limit for a fiscal year shall be decreased by any amount by which state taxes collected in the next preceding fiscal year exceeded the state tax limit for such preceding fiscal year.

(g) The state tax limit may be increased or decreased for one or two fiscal years by the adoption of a tax limitation percentage greater or less than the tax limitation percentage provided by this article by a majority vote of the voters voting thereon at a statewide election approving a measure placed on the ballot by a vote, taken by the yeas and nays, of a majority of each house of the general court present and voting thereon or by an initiative petition in accordance with Article XLVIII of the Articles of Amendment.

(h) The state tax limit for any fiscal year may be increased if the

revenue ratio of the commonwealth is less than the combined revenue ratio of all other states in the most recent fiscal year for which such data have been determined, by the adoption of a tax limitation percentage applicable to the state tax limit which is greater than the tax limitation percentage provided by this article, by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon.

SECTION 3. State Debt Limit. No indebtedness of the commonwealth, including any gift, loan or pledge of its credit, or for the payment of which the commonwealth may by law be responsible, other than indebtedness to be repaid prior to the end of the fiscal year in which it is incurred, shall be authorized in any fiscal year which, together with all such indebtedness then outstanding or authorized but not issued, would be in excess of the state debt limit hereinafter provided. The state debt limit, in the first fiscal year beginning after the effective date of this amendment and in each subsequent fiscal year, shall be an amount equal to the amount of such indebtedness outstanding or authorized but unissued at the beginning of the next preceding fiscal year, increased by two-thirds of the percentage by which the estimated personal income of all inhabitants of the commonwealth in such fiscal year exceeds such estimated personal income in the next preceding fiscal year or such higher or lower percentage or percentages, as the case may be, as may be approved from time to time for one or more fiscal years by a majority vote of the voters voting thereon at a statewide election approving a measure placed on the ballot by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon or by an initiative petition in accordance with Article XLVIII of the Articles of Amendment.

SECTION 4. Emergency Provisions. Upon the declaration by the Governor of an emergency requiring additional tax revenue in excess of the state tax limit or additional borrowing in excess of the state debt limit, the general court may, by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon, provide, in excess of the state tax limit or the state debt limit, for a specific tax increase or a specific new tax or a specific borrowing of money, or a combination of such measures, solely to meet such emergency. Such tax increase or new tax, to the extent in excess of the state tax limit, shall remain in effect no longer than two years unless its continuation is approved by the voters at a statewide election for an additional period of not more than two years. Such borrowing, to the extent in excess of the state debt limit, shall be repaid in not more than two years.

SECTION 5. Local Tax Limit. No taxes shall be imposed by any local governmental unit in excess of the local tax limit as hereinafter provided.

(a) The aggregate local tax limit for all local governmental units, in the first fiscal year beginning after the effective date of this amendment and in each subsequent fiscal year, shall be an amount equal to all taxes assessed by local governmental units in the next preceding

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fiscal year, increased by the tax limitation percentage for such fiscal year. The aggregate local tax limit so determined for a fiscal year shall be decreased or increased by the amount by which the net amount of state financial aid to local governmental units in such fiscal year is greater or less, as the case may be, than the net amount of such aid in the next preceding fiscal year, as increased by the tax limitation percentage for such fiscal year.

(b) Unless the general court establishes, by two-thirds vote of each house, taken by the yeas and nays, a different formula for the determination of local tax limits within the aggregate local tax limit for a fiscal year, the local tax limit applicable to each local governmental unit for such fiscal year shall be an amount equal to the taxes assessed by such local governmental unit in the next preceding fiscal year, increased by the tax limitation percentage for such fiscal year; such local tax limit shall be decreased or increased by the amount by which the net amount of state financial aid to such local governmental unit in such fiscal year is greater or less, as the case may be, than the net amount of such aid in the next preceding fiscal year, as increased by the tax limitation percentage for such fiscal year.

(c) There shall be excluded from any local tax limit, including the computation thereof, any amounts required to pay the principal and interest on any indebtedness of any local governmental unit or for the apportioned share of any local governmental unit of the principal and interest on any indebtedness of any other governmental entity, and any amounts which may be appropriated to fund the costs of pensions and retirement allowances in excess of amounts required to pay benefits due and payable in the current fiscal year.

(d) The local tax limit in any local governmental unit may be increased or decreased from time to time for one or more fiscal years by the adoption of a tax limitation percentage or percentages, as the case may be, applicable to such local tax limits which are greater or less than the tax limitation percentage provided under this article, by a two-thirds vote of the local appropriating authority and in addition, except in a town or district with an unlimited town or district meeting, by a majority vote of the voters of such local governmental unit voting thereon at a regular local election or a special election called for the purpose.

SECTION 6. Mandated Programs. No law enacted by the general court which directly or indirectly would impose additional costs on any local governmental unit or deprive it of revenue shall be effective unless its provisions have been accepted according to law by such local governmental unit or unless the commonwealth has assumed, subject to specific appropriation, and pays all of the costs so imposed or the cost of revenue so lost, as nearly as such costs can be determined, for at least the five ensuing fiscal years.

SECTION 7. Taxpayers Suits. Any taxpayer of the commonwealth shall have standing to bring suit in the Supreme Judicial Court to enforce the provisions of this article and, if the suit is sustained, shall receive from the applicable unit of government his costs, includ-

ing reasonable attorneys' fees, incurred in maintaining such suit.; and this amendment was *rejected*, by a vote of 31 to 66.

Mr. Wetherbee of Pepperell moved that the pending amendment be amended by adding at the end thereof the following:—

SECTION . State Debt Limit. No indebtedness of the commonwealth, including any gift, loan or pledge of its credit, or for the payment of which the commonwealth may by law be responsible, other than indebtedness to be repaid prior to the end of the fiscal year in which it is incurred, shall be authorized in any fiscal year which, together with all such indebtedness then outstanding or authorized but not issued, would be in excess of the state debt limit hereinafter provided. The state debt limit, in the first fiscal year beginning after the effective date of this amendment and in each subsequent fiscal year, shall be an amount equal to the amount of such indebtedness outstanding or authorized but unissued at the beginning of the next preceding fiscal year, increased by two-thirds of the percentage by which the estimated personal income of all inhabitants of the commonwealth in such fiscal year exceeds such estimated personal income in the next preceding fiscal year or such higher or lower percentage or percentages, as the case may be, as may be approved from time to time for one or more fiscal years by a majority vote of the voters voting thereon at a statewide election approving a measure placed on the ballot by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon or by an initiative petition in accordance with Article XLVIII of the Articles of Amendment.

After debate, this amendment was *rejected*, by a vote of 22 to 49.

The pending amendment, previously moved by Mr. Cohen of Andover, was then considered; and, after remarks, it was adopted, on a voice vote, no member having called for the vote to be taken by a call of the yeas and nays.

Mr. Card of Holbrook moved that the Joint Session be in recess until Friday, September 19, at eleven o'clock A.M.; and this motion was *negatived*.

Mr. Card of Holbrook then moved that the further consideration of the roll call on the Initiative Amendment be postponed until Friday, September 19, at eleven o'clock A.M.

The President ruled that this motion was not a proper motion.

Mr. Card of Holbrook then moved that the further consideration of the Joint Session be postponed until Friday, September 19, at eleven o'clock A.M.

The President ruled that this motion was out of order.

Under Special Rule E, the Initiative Amendment (House, No. 6252) was referred to the committees on Bills in the Third Reading of the two houses, acting jointly.

On motion of Mr. McCarthy, at twenty minutes before five o'clock P.M., the President declared a recess; and, at two minutes past seven o'clock P.M., the Joint Session reassembled.

Recess.

Constitution,—
state and
local taxation.

The Proposal for an Initiative Amendment to the Constitution relative to limiting state and local taxation (House, No. 6252), — was further considered, the committees on Bills in the Third Reading of the two houses, acting jointly, having reported it to be correctly drawn.

The Proposal (changed by the committees on Bills in the Third Reading of the two houses, acting jointly) was as follows:

SECTION 1. Since total taxes borne by the people of the commonwealth have become unduly burdensome, and since it is the will of the people of the commonwealth that state and local revenues should take a decreasing share of total personal income so that the percent of personal income taken from state and local revenues will be reduced to a level that is more competitive with other industrial states, be it therefore declared that there shall be in effect, with respect to fiscal years beginning July first, nineteen hundred and eighty-three and thereafter, state and local tax limitations as hereinafter provided which shall be equally applicable to all cities and towns, to all districts which have the authority to levy directly a property tax, to all governing bodies and regional governmental units, and to the commonwealth and its agencies.

SECTION 2. Whenever used in the text of this article the following words and terms shall have the following meanings: —

“Allocable share of the total unfunded pension liability”, the proportion which the relevant unfunded pension liability bears to the total of all unfunded pension liabilities in the commonwealth, multiplied by one per cent of the total state personal income for the then current year.

“Appropriations”, all sums of money voted by a city or town, or by a district which has the authority to levy directly a property tax, to be raised from the tax levy from free cash, from other available funds or from federal revenue sharing funds, except the sums which are required (a) for the payment of principal and interest on bonds, notes or certificates of indebtedness or for the city, town or district’s apportioned share of the principal and interest on bonds or notes issued by a regional governmental unit; (b) for the payment of the unfunded pension liability, but not in excess of the allocable share of the total unfunded pension liability of the city, town, or district; (c) for the payment of assessments made by a regional governmental unit on the basis of a budget which does not exceed the limit or increased limit; (d) for the payment of sums voted for city, town or district revenue-producing enterprises, including but not limited to municipal hospitals and municipal water, sewer, electric and gas facilities, but only to the extent that such sums are paid from fees and charges; and (e) to compensate for any decreased local aid.

“Budget”, all sums of money to be used by a regional governmental unit or by a school committee of a city or town for operations, maintenance and capital outlay, except for sums which are (a) required for the payment of principal and interest on bonds or notes; (b) raised from the proceeds of duly authorized bonds or notes; (c) proceeds of any federal or state grant; (d) for the payment of the unfunded pension liability, but not in excess of the allocable share of

the total unfunded pension liability of the regional governmental unit or school committee; and (e) to compensate for any decreased local aid.

"Decreased federal aid", for a fiscal year shall be any amount by which the federal aid for such fiscal year is less than the federal aid for the next preceding fiscal year multiplied by the tax limitation percentage of the current fiscal year.

"Decreased local aid", for a fiscal year shall be any amount by which the local aid for such fiscal year is less than the local aid for the next preceding fiscal year multiplied by the tax limitation percentage of the then current fiscal year.

"Federal aid", for a fiscal year shall be the total amount of federal aid distributed by the United States government, or its agencies, in such fiscal year to the commonwealth.

"Governing body", the board, committee, commissioners or other legislative body of a regional governmental unit and the school committee of any city or town.

"Increased local aid", for a fiscal year shall be any amount by which the local aid for such fiscal year exceeds the local aid for the next preceding fiscal year multiplied by tax limitation percentage for the then current fiscal year.

"Levy", the net amount to be raised in accordance with the law by a city or town or by a district which has the authority to levy directly a property tax in any fiscal year after deducting therefrom (a) amounts assessed as an overlay or to cover overlay deficits, or shortfalls in estimated receipts used for calculating the tax levy for prior years; (b) amounts necessary to pay final judgments or other expenditures ordered by any court of the commonwealth or the United States; (c) amounts necessary to provide for the payments of charges and assessments by the commonwealth or its agencies under any general or special law; (d) amounts necessary for the payments of charges and assessments made by a regional governmental unit on the basis of a budget which does not exceed the limit or increased limit; (e) amounts which are required for the payment of principal and interest on bonds, notes or certificates of indebtedness issued by the city, town or district or for the city, town or district's apportioned share of the principal and interest on bonds or notes issued by a regional governmental unit; (f) amounts appropriated for the payment of the unfunded pension liability, but not in excess of the allocable share of the total unfunded pension liability of the city, town, or district; (g) to compensate for any decreased local aid; and (h) to compensate for any decrease in state assumption of local costs.

"Local aid", for a fiscal year shall be the total amount of local aid distributed by the commonwealth in such fiscal year to cities, towns and districts.

"Local appropriating authority", in a town, the town meeting; in a city, the council, with the mayor's approval when required by law; in a municipality having a town council form of government, the town council; and in a district which has the power to levy directly a property tax, the district meeting.

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“Regional governmental unit”, any county or district, unless otherwise specified, which does not levy directly a property tax and the budget of which is financed in whole or in part by sums raised in the property tax levy of any one or more cities and towns.

“Revenue limitation board”, that board established pursuant to section nineteen of this article.

“Seventeen most similar states”, that group of seventeen states, as determined annually by the revenue limitation board, with which the commonwealth is most competitive in attracting and retaining business and jobs.

“State assumption of local costs”, for a fiscal year shall be any amount expended by the commonwealth for costs of programs which were borne, in whole or in part, by cities, towns or districts prior to the fiscal year commencing on July first, nineteen hundred and eighty-three.

“State taxes”, for a fiscal year shall be an amount, as calculated by the revenue limitation board, equal to all taxes imposed by the commonwealth for any general governmental purpose due and payable in such fiscal year, except for sums which are required (a) for the payment of principal and interest on bonds, notes or certificates of indebtedness; (b) to provide increased local aid; (c) for the state assumption of local costs; (d) for the payment of the unfunded pension liability, but not in excess of the allocable share of the total unfunded pension liability of the commonwealth; and (e) to compensate for any decreased federal aid.

“Tax burden”, that percentage of total state personal income which accounts for total state and local revenues, as calculated by the revenue limitation board.

“Tax limitation percentage”, for a fiscal year shall equal one hundred percent plus the percentage, if any, by which the total state personal income in the preceding calendar year exceeded the total state personal income in the second preceding calendar year, as calculated by the revenue limitation board to the nearest one hundredth of one per cent; provided, however, that the tax limitation percentage shall be reduced by any amount required by the revenue limitation board pursuant to section eighteen of this article; and provided, further, that the tax limitation percentage shall not be less than one hundred per cent.

“Total state and local revenues”, the total amount of taxes, charges and miscellaneous general revenues collected from all state, city, town, district and regional governmental unit sources of the commonwealth or from all comparable state and local governmental sources of the seventeen most similar states, as the case may be, as calculated by the revenue limitation board; provided, however, that the total state and local revenues for Massachusetts shall be calculated excluding (i) all amounts used for payments of allocable shares of unfunded pension liability, and (ii) all amounts, if any, of total state and local revenues of the commonwealth collected in excess of the budget, appropriation, levy or state tax limits or increased limits set pursuant to the provisions of sections three to seventeen, inclusive.

"Total state personal income", the total personal income of all residents of the commonwealth or of the seventeen most similar states as calculated by the revenue limitation board.

"Unfunded pension liability", that amount by which the liability of any one or more retirement program or programs exceeds the assets of such program or programs.

SECTION 3. In any fiscal year, state taxes shall not exceed an amount equal to the amount of state taxes collected in the next preceding fiscal year multiplied by the tax limitation percentage of such fiscal year. If at the close of the fiscal year the state taxes collected during the fiscal year exceeded the limit imposed for this year by this section, the amount in excess shall be credited to the fund established by section twenty of this article. The limit imposed by this section shall be reduced by (a) any amount by which the total amount of all charges and assessments made by the commonwealth upon cities, towns or districts in the then current fiscal year exceed the total amount of such charges and assessments in the preceding fiscal year, not including those charges and assessments for services customarily provided locally or for services subscribed to at local option, but state taxes shall not be reduced by any amount of increased charges and assessments which are based solely on budgetary increases approved in accordance with the provisions of this article; (b) any amount by which the amount of local aid for the then current fiscal year is less than the amount of local aid in the preceding fiscal year multiplied by the tax limitation percentage; and (c) any amount by which the amount of state assumption of local costs is less than the amount of state assumption of local costs in the preceding fiscal year. The limit imposed by this section may be increased by those amounts approved in accordance with the provisions of section four.

SECTION 4. The state tax limit imposed pursuant to section three may be increased by a specified amount either by a two-thirds vote of both branches of the general court together with the approval of the governor or by any more stringent requirement that may be adopted by the general court.

SECTION 5. No governing body shall approve a budget for a fiscal year which is greater than the tax limitation percentage for such fiscal year multiplied by the budget approved by said governing body for the next preceding fiscal year; provided, however, that such budget may be increased by those amounts approved in accordance with the applicable provisions of sections eight to twelve, inclusive.

SECTION 6. No local appropriating authority shall approve appropriations for a fiscal year which are greater than the tax limitation percentage for such fiscal year multiplied by the appropriations approved by said authority for the preceding fiscal year; provided, however, that said appropriations may be increased by those amounts approved in accordance with the applicable provisions of sections eight, nine, thirteen and fourteen.

SECTION 7. No property tax levy in any city or town or in any district which levies directly a property tax shall be assessed for a fiscal year which is greater than the tax limitation percentage for such

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fiscal year multiplied by the amount of such levy for the next preceding fiscal year; provided, however, that said levy may be increased by those amounts approved in accordance with the applicable provisions of section six and sections eight to fourteen, inclusive. Such levy shall be decreased by any amounts of increased local aid and state assumption of local costs.

SECTION 8. Any governing body which submits its budget request directly to only one local appropriating authority may, by a two-thirds vote, submit a request to increase the budget limit imposed pursuant to section five by a specified amount. The request may be approved, in whole or in part, either by a two-thirds vote of the local appropriating authority or by any more stringent requirement that may be adopted.

SECTION 9. Any regional governmental unit, other than a regional school district or transit authority, which submits budget requests directly to more than one local appropriating authority, may, by a two-thirds vote of its governing body, submit requests to increase the budget limit imposed pursuant to section five by a specified amount. The request may be approved either by a two-thirds vote of the local appropriating authorities, or by any more stringent requirement that may be adopted, in no less than two-thirds of the cities, towns or districts participating in such regional governmental unit and, upon such approval, shall be deemed approved in all of such cities, towns, and districts.

SECTION 10. Any regional school district may, either by a four-fifths vote of all the members of its regional district school committee or by any more stringent requirement that may be adopted, increase by a specified amount the budget limit imposed pursuant to section five.

SECTION 11. Any regional transit authority may, either by a two-thirds vote of its governing body or by any more stringent requirement that may be adopted, increase by a specified amount the budget limit imposed pursuant to section five; provided, however, that if the approval of the budget of said authority by an advisory board or board having similar powers is required by law, the approval of such increase shall be either by a two-thirds vote of the members of said board present and voting or by any more stringent requirement that may be adopted.

SECTION 12. Any regional governmental unit which does not submit its budget request directly to a local appropriating authority may, by a two-thirds vote of its governing body, submit a request to increase the budget limit imposed pursuant to section five by a specified amount to the general court. The request may be granted, in whole or in part, either by a majority vote of both branches of the general court and with the approval of the governor or by any more stringent requirement that may be adopted.

SECTION 13. The appropriations limit imposed pursuant to section six may be increased by a specified amount either by a two-thirds vote of the local appropriating authority in any city, town or district or by any more stringent requirement that may be adopted.

SECTION 14. The levy limit imposed pursuant to section seven may be increased by not exceeding a specified amount either by a two-thirds vote of the local appropriating authority in any city, town or district or by any more stringent requirement that may be adopted.

SECTION 15. In a city, town or a district which levies directly a property tax, any free cash available at the close of a fiscal year shall be used as a continuing appropriation for the purpose of reducing the property tax levy for the next succeeding fiscal year; provided, however, that a specified amount of said free cash may be exempted from the provisions of this section either by a two-thirds vote of the local appropriating authority or by any more stringent requirement that may be adopted.

SECTION 16. The limits applicable to each governing body or local appropriating authority under the provisions of sections five to seventeen, inclusive, shall be determined and certified to the proper governing body or local appropriating authority. If any such limit is increased or decreased in accordance with the provisions of this article, the limits shall be redetermined accordingly and increased or decreased limits shall be certified to the proper governing body or local appropriating authority forthwith.

No tax rate shall be fixed in any city or town until such rate has been approved and no tax rate shall be approved which would allow the amount of property taxes levied to exceed the levy limit or adjusted levy limit determined. In the case of a county, the budget limit applicable to each county shall also be certified to the committee or committees of the general court which have the responsibility of overseeing such budgets.

The general court may, by statute, designate the agency to be responsible for carrying out the requirements of this section.

SECTION 17. For any fiscal year, a governing body or local appropriating authority which, prior to the receipt of certification of its budget limit, appropriations limit or levy limit, as the case may be, has approved a budget or appropriated monies for such fiscal year shall reconsider its actions, if necessary to comply with the limits imposed pursuant to this article unless such governing body or local appropriating authority has approved its budget or appropriated monies for such fiscal year in the same manner as required by sections five to fifteen, inclusive.

SECTION 18. Whenever the revenue limitation board determines that the average tax burden in the commonwealth for the three most recent years will exceed the average tax burden in the seventeen most similar states for the comparable period, said board shall set the maximum allowable tax burden for the next succeeding year at a percentage equal to said average tax burden in the commonwealth for the three most recent years minus the lesser of the (i) one-half of one per cent, or (ii) the amount by which said average tax burden in the commonwealth for the three most recent years exceeds the average tax burden in the seventeen most similar states for the comparable period; provided, however, that there shall be an additional one per cent of the total state personal income available solely for any pay-

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ments toward the allocable shares of the total unfunded pension liability.

In order to ensure that the maximum allowable tax burden will not be exceeded, the revenue limitation board shall reduce the tax limitation percentage, as defined in section two, by any amount deemed necessary by said board, but not below one hundred per cent.

In each year the revenue limitation board shall report its calculation of the tax limitation percentage for the next succeeding fiscal year to the general court no later than the March first preceding the first day of such next succeeding fiscal year.

SECTION 19. There is hereby established a revenue limitation board to be composed of both the house and senate chairman of the committee of the general court which has the responsibility of reviewing taxation matters, the secretary of administration or his successor, and four members of the general public to be appointed by the governor and to serve at his pleasure; at least two of the gubernatorial appointees shall be experienced in the field of economics, of the remaining two, one shall be experienced in the field of business management and the other shall be a member of a recognized labor union. The governor shall designate one member as chairman. Members of the board shall serve without compensation but shall be paid their necessary expenses incurred in the performance of their duties. The board may employ, subject to appropriation, such technical experts and other assistants as may be required in the performance of its duties.

The revenue limitation board shall calculate and determine all statistics and other matters necessary to carry out the intent of this article. All calculations and determinations by the board shall be based on statistics determined or estimated and reported by the United States Department of Commerce or a successor federal agency; provided, however, that the board may adjust any such statistics or estimates to carry out the intent of this article. The board shall make an annual report to the general court, not later than April fifteenth of each year, concerning its operations and the operation and effect of this article.

SECTION 20. The general court is hereby authorized to establish and set up on the books of the commonwealth a separate fund, into which shall be credited an amount as determined by section three of this article. Pending withdrawal, monies credited to the fund shall be held by the treasurer and reinvested as authorized in the General Laws. Amounts received as interest earned and gains realized by the investment of monies on deposit in such fund shall be retained in such fund and held and invested and reinvested by the state treasurer in the same manner as monies credited to such fund. All or any portion of the monies credited to the fund from time to time may be appropriated by acts of the general court for the purpose or purposes established in such acts; provided, however, that the appropriation is approved by a two-thirds vote of each branch of the general court and the governor.

SECTION 21. This article shall apply to the fiscal and calendar years beginning on or after July first, nineteen hundred and eighty-three and thereafter.

After debate, the question on agreeing to the Initiative Amendment, as amended, was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at twenty-one minutes before eight o'clock P.M., as follows, to wit (yeas 172 — nays 9): —

YEAS (172).

Senators.

| | |
|----------------------|---------------------------|
| Amick, Carol C. | King, John G. |
| Atkins, Chester G. | Lewis, Arthur Joseph, Jr. |
| Aylmer, John F. | Locke, David H. |
| Backman, Jack H. | LoPresti, Michael, Jr. |
| Bertonazzi, Louis P. | McCann, Francis X. |
| Boverini, Walter J. | Olver, John W. |
| Buckley, Anna P. | Parker, John F. |
| Buell, Robert C. | Pollard, Sharon M. |
| Burke, John P. | Rotondi, Samuel |
| D'Amico, Gerard | Shea, Philip L. |
| Doris, Francis D. | Timilty, Joseph F. |
| Fitzpatrick, John H. | Wall, William X. |
| Fonseca, Mary L. | Walsh, Joseph B. |
| Hall, Robert A. | Wetmore, Robert D. |
| Harold, Paul D. | Zarod, Stanley J. — 31. |
| Hunt, Robert M. | |

Representatives.

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|--------------------------|------------------------|
| Aguiar, Antone S., Jr. | Cohen, Gerald M. |
| Aleixo, Theodore J., Jr. | Cole, Lincoln P., Jr. |
| Alexander, Lawrence R. | Collaro, Andrew |
| Almeida, Alfred | Collins, James G. |
| Ambler, Robert B. | Connelly, Edward W. |
| Asiaf, Peter George | Corazzini, Leo R. |
| Barrett, Michael J. | Correia, Robert |
| Bassett, Timothy A. | Costello, Nicholas J. |
| Benson, William D. | Craven, James J., Jr. |
| Bevilacqua, Francis J. | Creedon, Michael C. |
| Bickford, Walter E. | Cusack, John F. |
| Bly, Belden G., Jr. | Decas, Charles N. |
| Bohigian, Robert J. | DeFilippi, Walter A. |
| Bourque, George J. | Demers, Richard H. |
| Brownell, Thomas F. | DeNucci, A. Joseph |
| Buglione, Nicholas J. | Doyle, Charles Robert |
| Cahir, Jeremiah F. | Driscoll, John R. |
| Cahoon, Howard C., Jr. | Duffin, Dennis J. |
| Card, Andrew H., Jr. | Dwinell, Richard J. |
| Carey, William A. | Fallon, Thomas F. |
| Cataldo, Angelo R. | Feeney, Michael Paul |
| Cellucci, Argeo P. | Finneran, Thomas M. |
| Cerasoli, Robert A. | Fitzgerald, Kevin W. |
| Chmura, Rudy | Flaherty, Michael F. |
| Cicarelli, Salvatore | Flynn, Peter Y. |
| Cimino, Salvatore P. | Flynn, William J., Jr. |
| Clark, Forrester A., Jr. | Frank, Barney |
| Cochran, Deborah R. | Freeman, Bruce N. |

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| Galvin, William F. | Monahan, F. John |
| Gannett, Ann C. | Moore, Richard T. |
| Glodis, William J., Jr. | Morrissey, Michael W. |
| Goyette, Roger R. | Mullins, William D. |
| Gray, Barbara E. | Murphy, John E., Jr. |
| Gray, John | Murray, Mary Jeanette |
| Greenhalgh, Haden G. | Nagle, William P., Jr. |
| Grenier, Henry R. | Natsios, Andrew S. |
| Harrington, James T. | Navin, Joseph M. |
| Healy, Jonathan L. | Nelson, David Robert |
| Hermann, Joseph N. | Nickinello, Louis R. |
| Holland, Iris K. | Norton, Thomas C. |
| Howe, Marie E. | Paleologos, Nicholas A. |
| Johnston, Philip W. | Perry, John B. |
| Jordan, Raymond A., Jr. | Picucci, Angelo |
| Karol, Stephen J. | Pierce, Steven D. |
| Keating, William R. | Piro, Vincent J. |
| LaFontaine, Raymond M. | Poirier, Kevin |
| Lambros, Nickolas | Pokaski, Daniel F. |
| Larkin, Robert F., Jr. | Rea, Michael J., Jr. |
| Lawrence, Denis | Robinson, William G. |
| Lawton, Mark E. | Roche, Richard P. |
| LeLacheur, Edward A. | Rogers, Andrew J., Jr. |
| Lombardi, Leon J. | Rohan, Robert J. |
| Lombardi, Michael J. | Rourke, Timothy M. |
| Long, John J. | Ruane, J. Michael |
| Loring, John H. | Saggese, Alfred E., Jr. |
| Lussier, Thomas R. | Saltmarsh, Sherman W., Jr. |
| Lynch, Thomas K. | Scelsi, Joseph S. |
| MacLean, William Q., Jr. | Scibelli, Anthony M. |
| Manning, M. Joseph | Semensi, Joseph J. |
| Marotta, Angelo | Silva, Richard R. |
| Matrango, Frank J. | Sullivan, Gregory William |
| McGee, Thomas W. | Switzler, Royall H. |
| McGlynn, Michael J. | Tougas, Roger L. |
| McKenna, Arthur J. | Vigneau, Robert A. |
| McNally, Charles F. | Voke, Richard A. |
| McNeil, John C. | Walsh, Richard L. |
| McNeil, Robert D. | Wetherbee, Bruce E. |
| Menard, Joan M. | White, Thomas P. |
| Metayer, Elizabeth N. | White, W. Paul |
| Miceli, James R. | Woodward, Francis H. — 141. |
| Minahan, Alfred A., Jr. | |

NAYS (9).

Senators — 0.*Representatives.*

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|------------------------|----------------------|
| Bolling, Royal L., Jr. | Gibson, Mary Jane |
| Bunte, Doris | Graham, Sandra |
| Businger, John A. | Keverian, George |
| Cohen, David B. | King, Melvin H. — 9. |
| Finnegan, John J. | |

ABSENT OR NOT VOTING (17).

Senators.

| | |
|-----------------------|------------------------|
| Brennan, John A., Jr. | McKenna, Denis L. |
| Burke, Edward L. | McKinnon, Allan R. |
| Foley, Daniel J. | Owens, Bill |
| McCarthy, Robert E. | Sisitsky, Alan D. — 8. |

Representatives.

| | |
|---------------------------|------------------------|
| DiMasi, Salvatore | Mofenson, David J. |
| Flaherty, Charles F., Jr. | Serra, Emanuel G. |
| Gillette, Robert W. | Speliotis, Theodore C. |
| Khoury, Arthur M. | Whitney, A. James — 9. |
| Melia, John F. | |

The yeas and nays having been completed at four minutes past eight o'clock P.M., the Initiative Amendment, as amended, was agreed to, not less than one-fourth of all the members elected having voted in the affirmative.

In accordance with the requirements of the Constitution, the Initiative Amendment, as amended, was then referred to the next General Court.

Mr. Craven of Boston moved that Special Rule B be suspended in order that the proposal for a Legislative Amendment to the Constitution providing for capital punishment (Senate, No. 903) could be considered forthwith; and, after debate, the question on this motion was determined by a call of the yeas and nays, at twenty-one minutes past eight o'clock P.M., on motion of Mr. Backman, as follows, to wit (yeas 97 — nays 84): —

Constitution,—
capital
punishment.

YEAS (97).

Senators.

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|-----------------------|-------------------------|
| Boverini, Walter J. | McCann, Francis X. |
| Brennan, John A., Jr. | Parker, John F. |
| Buckley, Anna P. | Rotondi, Samuel |
| Burke, John P. | Shea, Philip L. |
| Doris, Francis D. | Wall, William X. |
| Fitzpatrick, John H. | Walsh, Joseph B. |
| Fonseca, Mary L. | Wetmore, Robert D. |
| Hall, Robert A. | Zarod, Stanley J. — 17. |
| Locke, David H. | |

Representatives.

| | |
|--------------------------|-----------------------|
| Aleixo, Theodore J., Jr. | Carey, William A. |
| Almeida, Alfred | Cataldo, Angelo R. |
| Ambler, Robert B. | Chmura, Rudy |
| Asiaf, Peter George | Ciccarelli, Salvatore |
| Bassett, Timothy A. | Collaro, Andrew |
| Bevilacqua, Francis J. | Corazzini, Leo R. |
| Bohigian, Robert J. | Correia, Robert |
| Bourque, George J. | Craven, James J., Jr. |
| Brownell, Thomas F. | Creedon, Michael C. |
| Buglione, Nicholas J. | Cusack, John F. |

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| Demers, Richard H. | McNeil, John C. |
| Doyle, Charles Robert | McNeil, Robert D. |
| Dwinell, Richard J. | Menard, Joan M. |
| Fallon, Thomas F. | Miceli, James R. |
| Feeney, Michael Paul | Monahan, F. John |
| Finnegan, John J. | Morrissey, Michael W. |
| Finneran, Thomas M. | Mullins, William D. |
| Fitzgerald, Kevin W. | Murray, Mary Jeanette |
| Flaherty, Michael F. | Navin, Joseph M. |
| Flynn, Peter Y. | Nelson, David Robert |
| Flynn, William J., Jr. | Nickinello, Louis R. |
| Galvin, William F. | Norton, Thomas C. |
| Goyette, Roger R. | Paleologos, Nicholas A. |
| Grenier, Henry R. | Perry, John B. |
| Harrington, James T. | Picucci, Angelo |
| Howe, Marie E. | Piro, Vincent J. |
| Keverian, George | Pokaski, Daniel F. |
| LaFontaine, Raymond M. | Rea, Michael J., Jr. |
| Lambros, Nickolas | Rogers, Andrew J., Jr. |
| Lawrence, Denis | Rohan, Robert J. |
| Lawton, Mark E. | Rourke, Timothy M. |
| LeLacheur, Edward A. | Ruane, J. Michael |
| Lombardi, Michael J. | Saltmarsh, Sherman W., Jr. |
| Long, John J. | Scelsi, Joseph S. |
| MacLean, William Q., Jr. | Scibelli, Anthony M. |
| Manning, M. Joseph | Semensi, Joseph J. |
| Marotta, Angelo | Switzler, Royall H. |
| Matrango, Frank J. | Vigneau, Robert A. |
| McGee, Thomas W. | White, W. Paul |
| McGlynn, Michael J. | Woodward, Francis H. — 80. |

NAYS (84).

Senators.

| | |
|----------------------|--------------------------|
| Amick, Carol C. | Harold, Paul D. |
| Atkins, Chester G. | King, John G. |
| Aylmer, John F. | McCarthy, Robert E. |
| Backman, Jack H. | McKinnon, Allan R. |
| Bertonazzi, Louis P. | Olver, John W. |
| Buell, Robert C. | Pollard, Sharon M. |
| D'Amico, Gerard | Timilty, Joseph F. — 14. |

Representatives.

| | |
|------------------------|--------------------------|
| Aguiar, Antone S., Jr. | Cellucci, Argeo P. |
| Alexander, Lawrence R. | Cerasoli, Robert A. |
| Barrett, Michael J. | Cimino, Salvatore |
| Benson, William D. | Clark, Forrester A., Jr. |
| Bickford, Walter E. | Cochran, Deborah R. |
| Bly, Belden G., Jr. | Cohen, David B. |
| Bolling, Royal L., Jr. | Cohen, Gerald M. |
| Bunte, Doris | Cole, Lincoln P., Jr. |
| Businger, John A. | Collins, James G. |
| Cahir, Jeremiah F. | Connelly, Edward W. |
| Cahoon, Howard C., Jr. | Costello, Nicholas J. |
| Card, Andrew H., Jr. | Decas, Charles N. |

| | |
|-------------------------|---------------------------|
| DeFilippi, Walter A. | Loring, John H. |
| DeNucci, A. Joseph | Lussier, Thomas R. |
| Driscoll, John R. | Lynch, Thomas K. |
| Duffin, Dennis J. | McKenna, Arthur J. |
| Frank, Barney | McNally, Charles F. |
| Freeman, Bruce N. | Metayer, Elizabeth N. |
| Gannett, Ann C. | Minahan, Alfred A., Jr. |
| Gibson, Mary Jane | Moore, Richard T. |
| Glodis, William J., Jr. | Murphy, John E., Jr. |
| Graham, Sandra | Nagle, William P., Jr. |
| Gray, Barbara E. | Natsios, Andrew S. |
| Gray, John | Pierce, Steven D. |
| Greenhalgh, Haden G. | Poirier, Kevin |
| Healy, Jonathan L. | Robinson, William G. |
| Hermann, Joseph N. | Roche, Richard P. |
| Holland, Iris K. | Serra, Emanuel G. |
| Johnston, Philip W. | Silva, Richard R. |
| Jordan, Raymond A., Jr. | Sullivan, Gregory William |
| Karol, Stephen J. | Tougas, Roger L. |
| Keating, William R. | Voke, Richard A. |
| King, Melvin H. | Walsh, Richard L. |
| Larkin, Robert F., Jr. | Wetherbee, Bruce E. |
| Lombardi, Leon J. | White, Thomas P. — 70. |

ABSENT OR NOT VOTING (17).

Senators.

| | |
|---------------------------|------------------------|
| Burke, Edward L. | LoPresti, Michael, Jr. |
| Foley, Daniel J. | McKenna, Denis L. |
| Hunt, Robert M. | Owens, Bill |
| Lewis, Arthur Joseph, Jr. | Sisitsky, Alan D. — 8. |

Representatives.

| | |
|---------------------------|-------------------------|
| DiMasi, Salvatore | Mofenson, David J. |
| Flaherty, Charles F., Jr. | Saggese, Alfred E., Jr. |
| Gillette, Robert W. | Speliotis, Theodore C. |
| Khoury, Arthur M. | Whitney, A. James — 9. |
| Melia, John F. | |

The yeas and nays having been completed at twenty-seven minutes before nine o'clock P.M., the motion to suspend the rule was *negatived*, four-fifths of the members present and voting NOT having agreed to the same.

Mr. Natsios of Holliston arose to a point of order which, being stated, was that with respect to the Initiative Amendment to the Constitution relative to limiting state and local taxation (House, No. 6252), the committees on Bills in the Third Reading of the two houses, acting jointly, had made a substantive change by adding "by the General Court" at the end of Section 4.

Point of order.

The President ruled that the point of order was NOT well taken.

NOT well taken.

The Proposal for a Legislative Amendment to the Constitution relative to imposing additional expenditures upon two or more cities or towns (see Senate, No. 1911) (which had been agreed to in joint session of the preceding General Court) (with reference to which the

Constitution,—imposing expenditures upon cities and towns.

committee on Local Affairs has reported recommending that the amendment ought to pass), — was read.

The proposal, as agreed to in said joint session of the preceding General Court, was as follows: —

Proposal for a Legislative Amendment to the Constitution relative to imposing additional expenditures upon two or more cities or towns.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly again agreed to in joint session and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

No law imposing additional costs upon two or more cities or towns by the regulation of the compensation, hours, status, conditions or benefits of municipal employment shall be effective in any city or town until such law is accepted by vote or by the appropriation of money for such purposes, in the case of a city, by the city council in accordance with its charter, and in the case of a town, by a town meeting or town council, unless such law has been enacted by a two-thirds vote of each house of the General Court, or unless the General Court, at the same session in which such law is enacted, has provided for the assumption by the commonwealth of such additional cost.

After debate, the question on again agreeing to the amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at four minutes past nine o'clock P.M., as follows, to wit (yeas 179 — nays 6): —

YEAS (179).

Senators.

Amick, Carol C.
Atkins, Chester G.
Aylmer, John F.
Backman, Jack H.
Bertonazzi, Louis P.
Boverini, Walter J.
Brennan, John A., Jr.
Buckley, Anna P.
Buell, Robert C.
Burke, John P.
D'Amico, Gerard
Doris, Francis D.
Fitzpatrick, John H.
Fonseca, Mary L.
Hall, Robert A.
Harold, Paul D.

King, John G.
Locke, David H.
LoPresti, Michael, Jr.
McCann, Francis X.
McCarthy, Robert E.
McKinnon, Allan R.
Olver, John W.
Parker, John F.
Pollard, Sharon M.
Rotondi, Samuel
Shea, Philip L.
Timilty, Joseph F.
Wall, William X.
Walsh, Joseph B.
Wetmore, Robert D.
Zarod, Stanley J. — 32.

Representatives.

Aguiar, Antone S., Jr.
Aleixo, Theodore J., Jr.

Alexander, Lawrence R.
Almeida, Alfred

Ambler, Robert B.
Asiaf, Peter George
Barrett, Michael J.
Bassett, Timothy A.
Benson, William D.
Bevilacqua, Francis J.
Bickford, Walter E.
Bly, Belden G., Jr.
Bohigian, Robert J.
Bourque, George J.
Brownell, Thomas F.
Buglione, Nicholas J.
Cahir, Jeremiah F.
Cahoon, Howard C., Jr.
Card, Andrew H., Jr.
Carey, William A.
Cataldo, Angelo R.
Cellucci, Argeo P.
Cerasoli, Robert A.
Chmura, Rudy
Ciccarelli, Salvatore
Cimino, Salvatore P.
Clark, Forrester A., Jr.
Cochran, Deborah R.
Cohen, David B.
Cohen, Gerald M.
Cole, Lincoln P., Jr.
Collaro, Andrew
Collins, James G.
Connelly, Edward W.
Corazzini, Leo R.
Correia, Robert
Costello, Nicholas J.
Craven, James J., Jr.
Creedon, Michael C.
Cusack, John F.
Decas, Charles N.
DeFilippi, Walter A.
Demers, Richard H.
DeNucci, A. Joseph
DiMasi, Salvatore
Doyle, Charles Robert
Driscoll, John R.
Duffin, Dennis J.
Dwinell, Richard J.
Fallon, Thomas F.
Feeney, Michael Paul
Finneran, Thomas M.
Fitzgerald, Kevin W.
Flaherty, Michael F.
Flynn, Peter Y.
Flynn, William J., Jr.
Frank, Barney
Freeman, Bruce N.
Galvin, William F.
Gannett, Ann C.
Gibson, Mary Jane
Glodis, William J., Jr.
Goyette, Roger R.
Gray, Barbara E.
Gray, John
Greenhalgh, Haden G.
Grenier, Henry R.
Harrington, James T.
Healy, Jonathan L.
Hermann, Joseph N.
Holland, Iris K.
Howe, Marie E.
Johnston, Philip W.
Jordan, Raymond A., Jr.
Karol, Stephen J.
Keating, William R.
Keverian, George
LaFontaine, Raymond M.
Lambros, Nickolas
Larkin, Robert F., Jr.
Lawrence, Denis
Lawton, Mark E.
LeLacheur, Edward A.
Lombardi, Leon J.
Lombardi, Michael J.
Long, John J.
Loring, John H.
Lussier, Thomas R.
Lynch, Thomas K.
MacLean, William Q., Jr.
Manning, M. Joseph
Marotta, Angelo
Matrango, Frank J.
McGee, Thomas W.
McGlynn, Michael J.
McKenna, Arthur J.
McNally, Charles F.
McNeil, John C.
McNeil, Robert D.
Menard, Joan M.
Metayer, Elizabeth N.
Miceli, James R.
Minahan, Alfred A., Jr.
Monahan, F. John
Moore, Richard T.
Morrissey, Michael W.
Mullins, William D.
Murphy, John E., Jr.
Murray, Mary Jeanette
Nagle, William P., Jr.
Natsios, Andrew S.
Navin, Joseph M.
Nelson, David Robert
Nickinello, Louis R.
Norton, Thomas C.
Paleologos, Nicholas A.
Perry, John B.
Picucci, Angelo

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|----------------------------|-----------------------------|
| Pierce, Steven D. | Semensi, Joseph J. |
| Piro, Vincent J. | Serra, Emanuel G. |
| Poirier, Kevin | Silva, Richard R. |
| Pokaski, Daniel F. | Speliotis, Theodore C. |
| Rea, Michael J., Jr. | Sullivan, Gregory William |
| Robinson, William G. | Switzler, Royall H. |
| Roche, Richard P. | Tougas, Roger L. |
| Rogers, Andrew J., Jr. | Vigneau, Robert A. |
| Rohan, Robert J. | Voke, Richard A. |
| Rourke, Timothy M. | Walsh, Richard L. |
| Ruane, J. Michael | Wetherbee, Bruce E. |
| Saggese, Alfred E., Jr. | White, Thomas P. |
| Saltmarsh, Sherman W., Jr. | White, W. Paul |
| Scelsi, Joseph S. | Woodward, Francis H. — 147. |
| Scibelli, Anthony M. | |

NAYS (6).

Senators — 0.*Representatives.*

| | |
|------------------------|----------------------|
| Bolling, Royal L., Jr. | Finnegan, John J. |
| Bunte, Doris | Graham, Sandra |
| Businger, John A. | King, Melvin H. — 6. |

ABSENT OR NOT VOTING (13).

Senators.

| | |
|---------------------------|------------------------|
| Burke, Edward L. | McKenna, Denis L. |
| Foley, Daniel J. | Owens, Bill |
| Hunt, Robert M. | Sisitsky, Alan D. — 7. |
| Lewis, Arthur Joseph, Jr. | |

Representatives.

| | |
|---------------------------|------------------------|
| Flaherty, Charles F., Jr. | Melia, John F. |
| Gillette, Robert W. | Mofenson, David J. |
| Khoury, Arthur M. | Whitney, A. James — 6. |

The yeas and nays having been completed at twenty-one minutes past nine o'clock P.M., the amendment was "again agreed to in joint session by a majority of all the members elected".

The vote on the agreement to the amendment was certified by the Clerk of the joint session to the Secretary of the Commonwealth, in accordance with the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution.

Motion to
adjourn.

Mr. Flaherty of Boston moved that the Joint Session adjourn; and this motion was *negatived*, by a vote of 39 to 47.

Constitution,—
161 representa-
tive districts.

The Proposal for a Legislative Amendment to the Constitution providing for one hundred and sixty-one representative districts one of which shall consist of the counties of Dukes and Nantucket [NOTE: This proposal was not reprinted for 1980.] (see House, No. 5094 of 1978) (for data retrieval purposes see Senate, No. 2176 of

1980) (which had been agreed to in joint session of the preceding General Court), — was read.

The proposal, as agreed to in said joint session of the preceding General Court, was as follows: —

Proposal for a Legislative Amendment to the Constitution providing for one hundred and sixty-one representative districts one of which shall consist of the counties of Dukes and Nantucket.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly again agreed to in joint session and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article The second paragraph of section I of Article C1 of the Articles of Amendments to the Constitution is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences: — The House of Representatives shall consist of one hundred and sixty-one members. The General Court shall, at its regular session after the year in which said census was taken, divide the Commonwealth into one hundred and sixty representative districts of contiguous territory so that each representative will represent an equal number of inhabitants, as nearly as may be; and such districts shall be formed, as nearly as may be, without uniting two counties or parts of two or more counties, two towns, or parts of two or more towns, two cities or parts of two or more cities, or a city and a town, or parts of cities and towns, into one district; provided, however, that the one hundred and sixty-first representative district shall consist of the counties of Dukes and Nantucket.

The question on again agreeing to the amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at ten minutes before ten o'clock P.M., as follows, to wit (yeas 49 — nays 135): —

YEAS (49).

Senators.

Atkins, Chester J.
Aylmer, John F.
Buell, Robert C.
Fitzpatrick, John H.

Harold, Paul D.
Parker, John F.
Wall, William X. — 7.

Representatives.

Almeida, Alfred
Bly, Belden G., Jr.
Bunte, Doris
Cahir, Jeremiah F.
Cahoon, Howard C., Jr.
Card, Andrew H., Jr.
Cellucci, Argeo P.
Clark, Forrester A., Jr.

Collins, James G.
Connelly, Edward W.
Corazzini, Leo R.
Decas, Charles N.
Driscoll, John R.
Feeney, Michael Paul
Flaherty, Michael F.
Flynn, Peter Y.

Freeman, Bruce N.
 Goyette, Roger R.
 Graham, Sandra
 Gray, John
 Greenhalgh, Haden G.
 Holland, Iris K.
 King, Melvin H.
 Lawrence, Denis
 Lombardi, Leon J.
 Long, John J.
 Loring, John H.
 Lynch, Thomas K.
 MacLean, William Q., Jr.

Manning, M. Joseph
 Morrissey, Michael W.
 Mullins, William D.
 Murray, Mary Jeanette
 Natsios, Andrew S.
 Navin, Joseph M.
 Nelson, David Robert
 Norton, Thomas C.
 Poirier, Kevin
 Robinson, William G.
 Roche, Richard P.
 Semensi, Joseph J.
 Switzler, Royall H. — 42.

NAYS (135).

Senators.

Amick, Carol C.
 Backman, Jack H.
 Bertonazzi, Louis P.
 Boverini, Walter J.
 Brennan, John A., Jr.
 Buckley, Anna P.
 Burke, John P.
 D'Amico, Gerard
 Doris, Francis D.
 Fonseca, Mary L.
 Hall, Robert A.
 Hunt, Robert M.
 King, John G.

LoPresti, Michael, Jr.
 McCann, Francis X.
 McCarthy, Robert E.
 McKinnon, Allan R.
 Olver, John W.
 Pollard, Sharon M.
 Rotondi, Samuel
 Shea, Philip L.
 Timilty, Joseph F.
 Walsh, Joseph B.
 Wetmore, Robert D.
 Zarod, Stanley J. — 25.

Representatives.

Aguiar, Antone S., Jr.
 Aleixo, Theodore J., Jr.
 Alexander, Lawrence R.
 Ambler, Robert B.
 Asiaf, Peter George
 Barrett, Michael J.
 Bassett, Timothy A.
 Benson, William D.
 Bevilacqua, Francis J.
 Bickford, Walter E.
 Bohigian, Robert J.
 Bolling, Royal L., Jr.
 Bourque, George J.
 Brownell, Thomas F.
 Buglione, Nicholas J.
 Businger, John A.
 Carey, William A.
 Cataldo, Angelo R.
 Cerasoli, Robert A.
 Chmura, Rudy
 Ciccarelli, Salvatore
 Cimino, Salvatore P.
 Cochran, Deborah R.
 Cohen, David B.

Cohen, Gerald M.
 Cole, Lincoln P., Jr.
 Collaro, Andrew
 Correia, Robert
 Costello, Nicholas J.
 Craven, James J., Jr.
 Creedon, Michael C.
 Cusack, John F.
 DeFilippi, Walter A.
 Demers, Richard H.
 DeNucci, A. Joseph
 DiMasi, Salvatore
 Doyle, Charles Robert
 Duffin, Dennis J.
 Dwinell, Richard J.
 Fallon, Thomas F.
 Finnegan, John J.
 Finneran, Thomas M.
 Fitzgerald, Kevin W.
 Flynn, William J., Jr.
 Frank, Barney
 Galvin, William F.
 Gannett, Ann C.
 Gibson, Mary Jane

| | |
|-------------------------|-----------------------------|
| Glodis, William J., Jr. | Moore, Richard T. |
| Gray, Barbara E. | Murphy, John E., Jr. |
| Grenier, Henry R. | Nagle, William P., Jr. |
| Harrington, James T. | Nickinello, Louis R. |
| Healy, Jonathan L. | Paleologos, Nicholas A. |
| Hermann, Joseph N. | Perry, John B. |
| Howe, Marie E. | Picucci, Angelo |
| Johnston, Philip W. | Pierce, Steven D. |
| Karol, Stephen J. | Piro, Vincent J. |
| Keating, William R. | Pokaski, Daniel F. |
| Keverian, George | Rea, Michael J., Jr. |
| LaFontaine, Raymond M. | Rogers, Andrew J., Jr. |
| Lambros, Nickolas | Rohan, Robert J. |
| Larkin, Robert F., Jr. | Rourke, Timothy M. |
| Lawton, Mark E. | Ruane, J. Michael |
| LeLacheur, Edward A. | Saggese, Alfred E., Jr. |
| Lombardi, Michael J. | Saltmarsh, Sherman W., Jr. |
| Lussier, Thomas R. | Scelsi, Joseph S. |
| Marotta, Angelo | Scibelli, Anthony M. |
| Matrango, Frank J. | Serra, Emanuel G. |
| McGee, Thomas W. | Silva, Richard R. |
| McGlynn, Michael J. | Speliotis, Theodore C. |
| McKenna, Arthur J. | Sullivan, Gregory William |
| McNally, Charles F. | Tougas, Roger L. |
| McNeil, John C. | Vigneau, Robert A. |
| McNeil, Robert D. | Voke, Richard A. |
| Menard, Joan M. | Walsh, Richard L. |
| Metayer, Elizabeth N. | Wetherbee, Bruce E. |
| Miceli, James R. | White, Thomas P. |
| Minahan, Alfred A., Jr. | White, W. Paul |
| Monahan, F. John | Woodward, Francis H. — 110. |

ABSENT OR NOT VOTING (14).

Senators.

| | |
|---------------------------|------------------------|
| Burke, Edward L. | McKenna, Denis L. |
| Foley, Daniel J. | Owens, Bill |
| Lewis, Arthur Joseph, Jr. | Sisitsky, Alan D. — 7. |
| Locke, David H. | |

Representatives.

| | |
|---------------------------|------------------------|
| Flaherty, Charles F., Jr. | Melia, John F. |
| Gillette, Robert W. | Mofenson, David J. |
| Jordan, Raymond A., Jr. | Whitney, A. James — 7. |
| Khoury, Arthur M. | |

The yeas and nays having been completed at seventeen minutes past ten o'clock P.M., the amendment was NOT again agreed to, less than a majority of the members elected having voted in the affirmative.

Without further action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Boverini, at seventeen minutes past ten o'clock P.M., the joint session was recessed until twelve o'clock noon on Friday, September 19.

Friday, September 19, 1980.

Joint Session of the Two Houses to consider Specific Legislative Amendments to the Constitution.

Joint
session.

At twelve o'clock noon, pursuant to assignment, the two Houses met in a continuance of the

JOINT SESSION

and were called to order by the Honorable William M. Bulger, President of the Senate.

Constitution,—
emergency
measures.

The Proposal for a Legislative Amendment to the Constitution revising the procedure by which the General Court adopts Emergency Measures (see House, No. 5912) (which had been agreed to in joint session of the preceding General Court) (with reference to which the committee on the Judiciary had reported recommending that the amendment ought NOT to pass, the time within which said committee was required to report having expired), — was read.

The proposal, as agreed to in said joint session of the preceding General Court, was as follows: —

Proposal for a Legislative Amendment to the Constitution revising the procedure by which the General Court adopts Emergency Measures.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly again agreed to in joint session and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article XLVIII of the Amendments to the Constitution is hereby amended by striking out, in that part entitled "II. Emergency Measures.", under the heading 'The Referendum', the words "A separate vote, which shall be recorded, shall be taken on the preamble, and unless the preamble is adopted by two-thirds of the members of each House voting thereon, the law shall not be an emergency law. Upon the request of two members of the Senate or of five members of the House of Representatives, the vote on the preamble in such branch shall be taken by call of the yeas and nays" and substituting the following: — A separate vote shall be taken on the preamble in each branch. Said vote may be determined by voice vote; provided, however, upon the request of two members of the senate or of five members of the house of representatives, the vote on the preamble in

such branch shall be taken by call of the yeas and nays and unless the preamble is adopted by two-thirds of the members of such branch voting thereon the law shall not be an emergency law.

The question on again agreeing to the amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at six minutes past twelve o'clock noon, as follows, to wit (yeas 162 — nays 0): —

YEAS (162).

Senators.

| | |
|----------------------|------------------------|
| Aylmer, John F. | Harold, Paul D. |
| Backman, Jack H. | Hunt, Robert M. |
| Bertonazzi, Louis P. | King, John G. |
| Boverini, Walter J. | LoPresti, Michael, Jr. |
| Buckley, Anna P. | McCann, Francis X. |
| Buell, Robert C. | McKinnon, Allan R. |
| Burke, Edward L. | Olver, John W. |
| Burke, John P. | Owens, Bill |
| D'Amico, Gerard | Parker, John F. |
| Doris, Francis D. | Pollard, Sharon M. |
| Fitzpatrick, John H. | Sisitsky, Alan D. |
| Fonseca, Mary L. | Wall, William X. |
| Hall, Robert A. | Walsh, Joseph B. — 26. |

Representatives.

| | |
|--------------------------|-------------------------|
| Aguiar, Antone S., Jr. | Collaro, Andrew |
| Aleixo, Theodore J., Jr. | Collins, James G. |
| Alexander, Lawrence R. | Connelly, Edward W. |
| Ambler, Robert B. | Corazzini, Leo R. |
| Asiaf, Peter George | Correia, Robert |
| Barrett, Michael J. | Costello, Nicholas J. |
| Bassett, Timothy A. | Craven, James J., Jr. |
| Benson, William D. | Creedon, Michael C. |
| Bohigian, Robert J. | Cusack, John F. |
| Bourque, George J. | Decas, Charles N. |
| Brownell, Thomas F. | DeFilippi, Walter A. |
| Buglione, Nicholas J. | Demers, Richard H. |
| Bunte, Doris | DeNucci, A. Joseph |
| Businger, John A. | DiMasi, Salvatore |
| Cahir, Jeremiah F. | Doyle, Charles Robert |
| Cahoon, Howard C., Jr. | Driscoll, John R. |
| Card, Andrew H., Jr. | Duffin, Dennis J. |
| Carey, William A. | Feeney, Michael Paul |
| Cataldo, Angelo R. | Finneran, Thomas M. |
| Cellucci, Argeo P. | Fitzgerald, Kevin W. |
| Cerasoli, Robert A. | Flaherty, Michael F. |
| Chmura, Rudy | Flynn, Peter Y. |
| Ciccarelli, Salvatore | Flynn, William J., Jr. |
| Cimino, Salvatore P. | Freeman, Bruce N. |
| Clark, Forrester A., Jr. | Gannett, Ann C. |
| Cochran, Deborah R. | Gibson, Mary Jane |
| Cohen, David B. | Gillette, Robert W. |
| Cohen, Gerald M. | Glodis, William J., Jr. |
| Cole, Lincoln P., Jr. | Goyette, Roger R. |

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|--------------------------|-----------------------------|
| Graham, Sandra | Minahan, Alfred A., Jr. |
| Gray, Barbara E. | Monahan, F. John |
| Gray, John | Moore, Richard T. |
| Greenhalgh, Haden G. | Morrissey, Michael W. |
| Harrington, James T. | Mullins, William D. |
| Healy, Jonathan L. | Murphy, John E., Jr. |
| Hermann, Joseph N. | Murray, Mary Jeanette |
| Holland, Iris K. | Nagle, William P., Jr. |
| Howe, Marie E. | Natsios, Andrew S. |
| Johnston, Philip W. | Navin, Joseph M. |
| Jordan, Raymond A., Jr. | Nelson, David Robert |
| Karol, Stephen J. | Nickinello, Louis R. |
| Keating, William R. | Paleologos, Nicholas A. |
| Keverian, George | Perry, John B. |
| King, Melvin H. | Picucci, Angelo |
| LaFontaine, Raymond M. | Pierce, Steven D. |
| Larkin, Robert F., Jr. | Piro, Vincent J. |
| Lawrence, Denis | Poirier, Kevin |
| Lawton, Mark E. | Pokaski, Daniel F. |
| LeLacheur, Edward A. | Rea, Michael J., Jr. |
| Lombardi, Leon J. | Robinson, William G. |
| Lombardi, Michael J. | Roche, Richard P. |
| Long, John J. | Rohan, Robert J. |
| Loring, John H. | Rourke, Timothy M. |
| Lussier, Thomas R. | Ruane, J. Michael |
| Lynch, Thomas K. | Saltmarsh, Sherman W., Jr. |
| MacLean, William Q., Jr. | Scelsi, Joseph S. |
| Manning, M. Joseph | Scibelli, Anthony M. |
| Marotta, Angelo | Semensi, Joseph J. |
| Matrango, Frank J. | Silva, Richard R. |
| McGee, Thomas W. | Sullivan, Gregory William |
| McGlynn, Michael J. | Tougas, Roger L. |
| McNally, Charles F. | Vigneau, Robert A. |
| McNeil, John C. | Voke, Richard A. |
| McNeil, Robert D. | Walsh, Richard L. |
| Melia, John F. | Wetherbee, Bruce E. |
| Menard, Joan M. | White, Thomas P. |
| Metayer, Elizabeth N. | Whitney, A. James |
| Miceli, James R. | Woodward, Francis H. — 136. |

NAYS (0).

*Senators — 0.**Representatives — 0.*

ABSENT OR NOT VOTING (36).

Senators.

| | |
|---------------------------|-------------------------|
| Amick, Carol C. | McKenna, Denis L. |
| Atkins, Chester G. | Rotondi, Samuel |
| Brennan, John A., Jr. | Shea, Philip L. |
| Foley, Daniel J. | Timilty, Joseph F. |
| Lewis, Arthur Joseph, Jr. | Wetmore, Robert D. |
| Locke, David H. | Zarod, Stanley J. — 13. |
| McCarthy, Robert E. | |

Representatives.

| | |
|---------------------------|-------------------------|
| Almeida, Alfred | Khoury, Arthur M. |
| Bevilacqua, Francis J. | Lambros, Nickolas |
| Bickford, Walter E. | McKenna, Arthur J. |
| Bly, Belden G., Jr. | Mofenson, David J. |
| Bolling, Royal L., Jr. | Norton, Thomas C. |
| Dwinell, Richard J. | Rogers, Andrew J., Jr. |
| Fallon, Thomas F. | Saggese, Alfred E., Jr. |
| Finnegan, John J. | Serra, Emanuel G. |
| Flaherty, Charles F., Jr. | Speliotis, Theodore C. |
| Frank, Barney | Switzler, Royall H. |
| Galvin, William F. | White, W. Paul — 23. |
| Grenier, Henry R. | |

The yeas and nays having been completed at twenty-six minutes before one o'clock P.M., the amendment was "again agreed to in joint session by a majority of all the members elected".

The vote on the agreement to the amendment was certified by the Clerk of the joint session to the Secretary of the Commonwealth, in accordance with the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution.

Subsequently Mr. White of Boston asked unanimous consent to make a statement; and, there being no objection, he addressed the Joint Session as follows:

MR. PRESIDENT: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

Statement of
Representative
White of
Boston.

Mr. White of Boston then moved that the statement made by him be spread upon the records of the Joint Session; and the motion prevailed.

Subsequently Mr. Switzler of Wellesley asked unanimous consent to make a statement; and, there being no objection, he addressed the Joint Session as follows:

MR. PRESIDENT: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

Statement of
Representative
Switzler of
Wellesley.

Mr. Switzler then moved that the statement made by him be spread upon the records of the Joint Session; and the motion prevailed.

There being no objection, the Proposal for a Legislative Amendment to the Constitution permitting the General Court to authorize the Commonwealth to take property for the beautification of highways (House, No. 5913), — was placed at the end of the calendar.

Constitution,—
beautification
of highways.

Ms. Bunte of Boston moved that the Joint Session adjourn; and the question on this motion was determined by a call of the yeas and nays, at twenty-four minutes before one o'clock P.M., as follows, to wit (yeas 15 — nays 153):—

Motion to
adjourn.

YEAS (15).

Senators.

| | |
|--------------------|------------------|
| Atkins, Chester G. | Burke, Edward L. |
| Backman, Jack H. | D'Amico, Gerard |

Olver, John W.
Owens, Bill

Sisitsky, Alan D. — 7.

Representatives.

Bunte, Doris
Costello, Nicholas J.
Gannett, Ann C.
Gibson, Mary Jane

Graham, Sandra
Gray, Barbara E.
King, Melvin H.
McGee, Thomas W. — 8.

NAYS (153).

Senators.

Amick, Carol C.
Aylmer, John F.
Bertonazzi, Louis P.
Boverini, Walter J.
Brennan, John A., Jr.
Buckley, Anna P.
Buell, Robert C.
Burke, John P.
Doris, Francis D.
Fitzpatrick, John H.
Fonseca, Mary L.
Hall, Robert A.

Harold, Paul D.
Hunt, Robert M.
King, John G.
LoPresti, Michael, Jr.
McCann, Francis X.
McKinnon, Allan R.
Parker, John F.
Pollard, Sharon M.
Rotondi, Samuel
Wall, William X.
Walsh, Joseph B. — 23.

Representatives.

Aguiar, Antone S., Jr.
Aleixo, Theodore J., Jr.
Alexander, Lawrence R.
Ambler, Robert B.
Asiaf, Peter George
Barrett, Michael J.
Bassett, Timothy A.
Benson, William D.
Bohigian, Robert J.
Bourque, George J.
Brownell, Thomas F.
Buglione, Nicholas J.
Businger, John A.
Cahir, Jeremiah F.
Cahoon, Howard C., Jr.
Card, Andrew H., Jr.
Carey, William A.
Cataldo, Angelo R.
Cellucci, Argeo P.
Cerasoli, Robert A.
Chmura, Rudy
Ciccarelli, Salvatore
Cimino, Salvatore P.
Clark, Forrester A., Jr.
Cochran, Deborah R.
Cohen, David B.
Cohen, Gerald M.
Cole, Lincoln P., Jr.
Collaro, Andrew
Collins, James G.

Connelly, Edward W.
Corazzini, Leo R.
Correia, Robert
Craven, James J., Jr.
Creedon, Michael C.
Cusack, John F.
Decas, Charles N.
DeFilippi, Walter A.
Demers, Richard H.
DeNucci, A. Joseph
DiMasi, Salvatore
Doyle, Charles Robert
Driscoll, John R.
Duffin, Dennis J.
Feeney, Michael Paul
Finneran, Thomas M.
Fitzgerald, Kevin W.
Flynn, Peter Y.
Flynn, William J., Jr.
Freeman, Bruce N.
Gillette, Robert W.
Glodis, William J., Jr.
Goyette, Roger R.
Gray, John
Greenhalgh, Haden G.
Harrington, James T.
Healy, Jonathan L.
Hermann, Joseph N.
Holland, Iris K.
Howe, Marie E.

| | |
|--------------------------|-----------------------------|
| Johnston, Philip W. | Nagle, William P., Jr. |
| Jordan, Raymond A., Jr. | Natsios, Andrew S. |
| Karol, Stephen J. | Navin, Joseph M. |
| Keating, William R. | Nelson, David Robert |
| Keverian, George | Nickinello, Louis R. |
| LaFontaine, Raymond M. | Paleologos, Nicholas A. |
| Larkin, Robert F., Jr. | Perry, John B. |
| Lawrence, Denis | Picucci, Angelo |
| Lawton, Mark E. | Pierce, Steven D. |
| LeLacheur, Edward A. | Piro, Vincent J. |
| Lombardi, Leon J. | Poirier, Kevin |
| Lombardi, Michael J. | Pokaski, Daniel F. |
| Long, John J. | Rea, Michael J., Jr. |
| Loring, John H. | Robinson, William G. |
| Lussier, Thomas R. | Roche, Richard P. |
| Lynch, Thomas K. | Rohan, Robert J. |
| MacLean, William Q., Jr. | Rourke, Timothy M. |
| Manning, M. Joseph | Ruane, J. Michael |
| Marotta, Angelo | Saltmarsh, Sherman W., Jr. |
| Matrango, Frank J. | Scelsi, Joseph S. |
| McGlynn, Michael J. | Scibelli, Anthony M. |
| McNally, Charles F. | Semensi, Joseph J. |
| McNeil, John C. | Silva, Richard R. |
| McNeil, Robert D. | Speliotis, Theodore C. |
| Melia, John F. | Sullivan, Gregory William |
| Menard, Joan M. | Switzler, Royall H. |
| Metayer, Elizabeth N. | Tougas, Roger L. |
| Miceli, James R. | Vigneau, Robert A. |
| Minahan, Alfred A., Jr. | Voke, Richard A. |
| Monahan, F. John | Walsh, Richard L. |
| Moore, Richard T. | Wetherbee, Bruce E. |
| Morrissey, Michael W. | White, Thomas P. |
| Mullins, William D. | White, W. Paul |
| Murphy, John E., Jr. | Whitney, A. James |
| Murray, Mary Jeanette | Woodward, Francis H. — 130. |

ABSENT OR NOT VOTING (30).

Senators.

| | |
|---------------------------|------------------------|
| Foley, Daniel J. | Shea, Philip L. |
| Lewis, Arthur Joseph, Jr. | Timilty, Joseph F. |
| Locke, David H. | Wetmore, Robert D. |
| McCarthy, Robert E. | Zarod, Stanley J. — 9. |
| McKenna, Denis L. | |

Representatives.

| | |
|---------------------------|-------------------------|
| Almeida, Alfred | Galvin, William F. |
| Bevilacqua, Francis J. | Grenier, Henry R. |
| Bickford, Walter E. | Khoury, Arthur M. |
| Bly, Belden G., Jr. | Lambros, Nickolas |
| Bolling, Royal L., Jr. | McKenna, Arthur J. |
| Dwinell, Richard J. | Mofenson, David J. |
| Fallon, Thomas F. | Norton, Thomas C. |
| Finnegan, John J. | Rogers, Andrew J., Jr. |
| Flaherty, Charles F., Jr. | Saggese, Alfred E., Jr. |
| Flaherty, Michael F. | Serra, Emanuel G. — 21. |
| Frank, Barney | |

The yeas and nays having been completed at nine minutes before one o'clock P.M., the motion to adjourn was *negatived*.

Mr. Backman offered an order relative to requesting opinions from the Honorable the Justices of the Supreme Judicial Court on important questions of law.

The President stated that the Joint Session had no authority to request opinions from the Honorable the Justices of the Supreme Judicial Court and, therefore, the order was laid aside.

Point of
order.

Mr. Wetherbee of Pepperell arose to a point of order which, being stated, was that the Proposal for a Legislative Amendment to the Constitution providing for capital punishment (Senate, No. 903), was in an improper place on the calendar.

NOT well
taken.

The President ruled that the point of order was NOT well taken.

Point of
order.

Mr. Wetherbee of Pepperell arose to a further point of order which, being stated, was that insomuch as the Joint Session recessed and did not adjourn, the calendar and the placement of the various items should remain intact, and that the Joint Session should resume its business where it had left off on the previous day.

Ruling.

The President stated that the Joint Session cannot adjourn from day to day but must recess and that today's session is considered a subsequent session. The matter (Senate, No. 903) is further along in the legislative process than the matters that follow it, therefore, it precedes them on the calendar.

NOT well
taken.

The President ruled, therefore, that the point of order was NOT well taken.

Mr. Wetherbee of Pepperell then doubted the ruling of the Chair; and this motion was seconded by Mr. Backman.

Constitution,—
capital
punishment.

The Proposal for a Legislative Amendment to the Constitution providing for capital punishment (see Senate, No. 903), — was read a third time, the committees on Bills in the Third Reading of the two Houses, acting jointly, having reported it to be correctly drawn.

The Proposal (changed by the committees on Bills in the Third Reading of the two Houses, acting jointly) was as follows:

Proposal for a Legislative Amendment to the Constitution providing for capital punishment.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article XXVI of Part 1 of the Constitution of the Commonwealth is hereby amended by adding the following two sentences: No provision of the Constitution, however, shall be construed as prohibiting the imposition of the punishment of death. The general court may, for the purpose of protecting the general welfare of the citizens,

authorize the imposition of the punishment of death by the courts of law having jurisdiction of crimes subject to the punishment of death.

Mr. Wetherbee of Pepperell arose to a point of order which, being stated, was that he had doubted the ruling of the Chair, that his motion had been seconded, and that the motion should be the matter before the Joint Session.

Point of order.

The President ruled that the point of order was NOT well taken.

NOT well taken.

Mr. Wetherbee of Pepperell then doubted the ruling of the Chair; and this motion was seconded by Mr. Robinson of Melrose.

The Proposal for a Legislative Amendment to the Constitution providing for capital punishment (see Senate, No. 903), — was further considered.

Mr. Card of Holbrook arose to a point of order which, being stated, was that the presiding officer had violated House Rule 77.

Point of order.

The President ruled that the point of order was NOT well taken.

NOT well taken.

Mr. Card of Holbrook doubted the ruling of the Chair; and this motion was seconded by Mr. Switzler of Wellesley.

The Proposal for a Legislative Amendment to the Constitution providing for capital punishment (see Senate, No. 903), — was further considered.

Mr. Wetherbee of Pepperell arose to a point of order which, being stated, was that Senate, No. 903 was improperly before the Joint Session.

Point of order.

The President ruled that the point of order was NOT well taken.

NOT well taken.

The Proposal for a Legislative Amendment to the Constitution providing for capital punishment (see Senate, No. 903), — was further considered.

Mr. Card of Holbrook arose to a point of order which, being stated, was that Senate, No. 903 was not properly before the Joint Session.

Point of order.

The President ruled that the point of order was NOT well taken.

NOT well taken.
Appeal.

Mr. Card of Holbrook appealed the ruling of the Chair; and this motion was seconded by Mr. Switzler of Wellesley.

The question "Shall the decision of the Chair stand as the judgement of the Joint Session?" was considered; and, after debate, the decision of the Chair was *sustained*, by a vote of 72 to 14.

Mr. Wetherbee of Pepperell arose to a point of order which, being stated, was that Senate, No. 903 was improperly before the Joint Session because Special Rule B states that if a proposal is ordered to a third reading, the proposal shall be read and considered at such subsequent joint session or joint sessions as may be agreed upon by the two houses or called by the Governor, in accordance with the provisions of the Constitution, that there is a distinction between the Joint Session and the two houses, and that prior to ten years ago, each branch had to call for subsequent sessions.

Point of order.

The President ruled that the point of order was NOT well taken.

NOT well taken.

The Proposal for a Legislative Amendment to the Constitution providing for capital punishment (see Senate, No. 903), — was further considered.

Mr. Flaherty of Boston moved that, unless sooner reached, debate

on the main question end at three o'clock P.M.; and this motion prevailed.

After debate, the question on agreeing to the amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at eight minutes past three o'clock P.M., as follows, to wit (yeas 123 — nays 62): —

YEAS (123).

Senators.

| | |
|-----------------------|-------------------------|
| Boverini, Walter J. | Locke, David H. |
| Brennan, John A., Jr. | LoPresti, Michael, Jr. |
| Buckley, Anna P. | McCann, Francis X. |
| Buell, Robert C. | Parker, John F. |
| Burke, John P. | Rotondi, Samuel |
| Doris, Francis D. | Wall, William X. |
| Fonseca, Mary L. | Walsh, Joseph B. |
| Hall, Robert A. | Zarod, Stanley J. — 16. |

Representatives.

| | |
|--------------------------|--------------------------|
| Aguiar, Antone S., Jr. | DiMasi, Salvatore |
| Aleixo, Theodore J., Jr. | Doyle, Charles Robert |
| Almeida, Alfred | Driscoll, John R. |
| Ambler, Robert B. | Fallon, Thomas F. |
| Asiaf, Peter George | Feeney, Michael Paul |
| Bassett, Timothy A. | Finnegan, John J. |
| Bevilacqua, Francis J. | Finneran, Thomas M. |
| Bly, Belden G., Jr. | Fitzgerald, Kevin W. |
| Bohigian, Robert J. | Flaherty, Michael F. |
| Bourque, George J. | Flynn, Peter Y. |
| Brownell, Thomas F. | Flynn, William J., Jr. |
| Buglione, Nicholas J. | Freeman, Bruce N. |
| Cahoon, Howard C., Jr. | Galvin, William F. |
| Card, Andrew H., Jr. | Gillette, Robert W. |
| Carey, William A. | Goyette, Roger R. |
| Cataldo, Angelo R. | Gray, John |
| Cerasoli, Robert A. | Greenhalgh, Haden G. |
| Chmura, Rudy | Harrington, James T. |
| Ciccarelli, Salvatore | Hermann, Joseph N. |
| Cimino, Salvatore P. | Holland, Iris K. |
| Clark, Forrester A., Jr. | Howe, Marie E. |
| Cochran, Deborah R. | Keverian, George |
| Collaro, Andrew | LaFontaine, Raymond M. |
| Connelly, Edward W. | Lambros, Nickolas |
| Corazzini, Leo R. | Lawrence, Denis |
| Correia, Robert | Lawton, Mark E. |
| Craven, James J., Jr. | LeLacheur, Edward A. |
| Creedon, Michael C. | Lombardi, Leon J. |
| Cusack, John F. | Lombardi, Michael J. |
| Decas, Charles N. | Long, John J. |
| DeFilippi, Walter A. | Loring, John H. |
| Demers, Richard H. | MacLean, William Q., Jr. |

Manning, M. Joseph
 Marotta, Angelo
 Matrango, Frank J.
 McGee, Thomas W.
 McGlynn, Michael J.
 McNally, Charles F.
 McNeil, John C.
 McNeil, Robert D.
 Melia, John F.
 Menard, Joan M.
 Metayer, Elizabeth N.
 Miceli, James R.
 Monahan, F. John
 Moore, Richard T.
 Morrissey, Michael W.
 Mullins, William D.
 Murray, Mary Jeanette
 Natsios, Andrew S.
 Navin, Joseph M.
 Nelson, David Robert
 Nickinello, Louis R.
 Norton, Thomas C.

Perry, John B.
 Picucci, Angelo
 Pierce, Steven D.
 Piro, Vincent J.
 Poirier, Kevin
 Pokaski, Daniel F.
 Rea, Michael J., Jr.
 Rogers, Andrew J., Jr.
 Rohan, Robert J.
 Rourke, Timothy M.
 Ruane, J. Michael
 Saggese, Alfred E., Jr.
 Saltmarsh, Sherman W., Jr.
 Scelsi, Joseph S.
 Scibelli, Anthony M.
 Semensi, Joseph J.
 Switzler, Royall H.
 Tougas, Roger L.
 Vigneau, Robert A.
 White, W. Paul
 Woodward, Francis H. — 107.

NAYS (62).

Senators.

Amick, Carol C.
 Atkins, Chester G.
 Aylmer, John F.
 Backman, Jack H.
 Bertonazzi, Louis P.
 Burke, Edward L.
 D'Amico, Gerard
 Harold, Paul D.
 Hunt, Robert M.

King, John G.
 McCarthy, Robert E.
 McKinnon, Allan R.
 Olver, John W.
 Owens, Bill
 Pollard, Sharon M.
 Sisitsky, Alan D.
 Timilty, Joseph F. — 17.

Representatives.

Alexander, Lawrence R.
 Barrett, Michael J.
 Benson, William D.
 Bolling, Royal L., Jr.
 Bunte, Doris
 Businger, John A.
 Cahir, Jeremiah F.
 Cellucci, Argeo P.
 Cohen, David B.
 Cohen, Gerald M.
 Cole, Lincoln P., Jr.
 Collins, James G.
 Costello, Nicholas J.
 DeNucci, A. Joseph
 Duffin, Dennis J.
 Flaherty, Charles F., Jr.

Frank, Barney
 Gannett, Ann C.
 Gibson, Mary Jane
 Glodis, William J., Jr.
 Graham, Sandra
 Gray, Barbara E.
 Healy, Jonathan L.
 Johnston, Philip W.
 Jordan, Raymond A., Jr.
 Karol, Stephen J.
 Keating, William R.
 King, Melvin H.
 Larkin, Robert F., Jr.
 Lussier, Thomas R.
 Lynch, Thomas K.
 Minahan, Alfred A., Jr.

| | |
|------------------------|---------------------------|
| Murphy, John E., Jr. | Sullivan, Gregory William |
| Nagle, William P., Jr. | Voke, Richard A. |
| Robinson, William G. | Walsh, Richard L. |
| Roche, Richard P. | Wetherbee, Bruce E. |
| Serra, Emanuel G. | White, Thomas P. |
| Silva, Richard R. | Whitney, A. James — 45. |
| Speliotis, Theodore C. | |

ABSENT OR NOT VOTING (13).

Senators.

| | |
|---------------------------|-------------------------|
| Fitzpatrick, John H. | McKenna, Denis L. |
| Foley, Daniel J. | Shea, Philip L. |
| Lewis, Arthur Joseph, Jr. | Wetmore, Robert D. — 6. |

Representatives.

| | |
|---------------------|------------------------------|
| Bickford, Walter E. | McKenna, Arthur J. |
| Dwinell, Richard J. | Mofenson, David J. |
| Grenier, Henry R. | Paleologos, Nicholas A. — 7. |
| Khoury, Arthur M. | |

The yeas and nays having been completed at twenty-five minutes past three o'clock P.M., the amendment was agreed to, a majority of all the members elected having voted in the affirmative.

In accordance with the requirements of the Constitution, the amendment was then referred to the next General Court.

Motion to
adjourn.
Point of
order.

Mr. Boverini moved that the Joint Session adjourn.

Mr. Card arose to a point of order which, being stated, was that if the Joint Session adjourn, it would be in violation of the Constitution.

NOT well
taken.

The President ruled that the point of order was NOT well taken.

The question on the motion to adjourn was then determined by a call of the yeas and nays, on motion of Mr. Robinson of Melrose, at twenty-seven minutes past three o'clock P.M., as follows, to wit (yeas 43 — nays 135): —

YEAS (43).

Senators.

| | |
|-----------------------|------------------------|
| Atkins, Chester G. | LoPresti, Michael, Jr. |
| Boverini, Walter J. | McCarthy, Robert E. |
| Brennan, John A., Jr. | McKinnon, Allan R. |
| Buckley, Anna P. | Olver, John W. |
| Burke, Edward L. | Pollard, Sharon M. |
| Burke, John P. | Rotondi, Samuel |
| D'Amico, Gerard | Sisitsky, Alan D. |
| Doris, Francis D. | Timilty, Joseph F. |
| Fonseca, Mary L. | Walsh, Joseph B. — 18. |

Representatives.

| | |
|------------------------|-------------------------|
| Ambler, Robert B. | Flynn, William J., Jr. |
| Bassett, Timothy A. | Galvin, William F. |
| Bolling, Royal L., Jr. | LaFontaine, Raymond M. |
| Buglione, Nicholas J. | Long, John J. |
| Carey, William A. | McGee, Thomas W. |
| Cataldo, Angelo R. | McNally, Charles F. |
| Costello, Nicholas J. | Moore, Richard T. |
| Cusack, John F. | Nagle, William P., Jr. |
| Demers, Richard H. | Norton, Thomas C. |
| DeNucci, A. Joseph | Paleologos, Nicholas A. |
| Doyle, Charles Robert | Pokaski, Daniel F. |
| Finnegan, John J. | White, W. Paul — 25. |
| Flaherty, Michael F. | |

NAYS (135).

Senators.

| | |
|----------------------|------------------------|
| Amick, Carol C. | King, John G. |
| Aylmer, John F. | Locke, David H. |
| Bertonazzi, Louis P. | McCann, Francis X. |
| Buell, Robert C. | Owens, Bill |
| Hall, Robert A. | Parker, John F. |
| Harold, Paul D. | Wall, William X. — 13. |
| Hunt, Robert M. | |

Representatives.

| | |
|--------------------------|---------------------------|
| Aguilar, Antone S., Jr. | Corazzini, Leo R. |
| Aleixo, Theodore J., Jr. | Correia, Robert |
| Alexander, Lawrence R. | Craven, James J., Jr. |
| Almeida, Alfred | Creedon, Michael C. |
| Asiaf, Peter George | Decas, Charles N. |
| Barrett, Michael J. | DeFilippi, Walter A. |
| Benson, William D. | DiMasi, Salvatore |
| Bevilacqua, Francis J. | Driscoll, John R. |
| Bly, Belden G., Jr. | Duffin, Dennis J. |
| Bohigian, Robert J. | Fallon, Thomas F. |
| Bourque, George J. | Feeney, Michael Paul |
| Brownell, Thomas F. | Finneran, Thomas M. |
| Bunte, Doris | Flaherty, Charles F., Jr. |
| Businger, John A. | Frank, Barney |
| Cahoon, Howard C., Jr. | Freeman, Bruce N. |
| Card, Andrew H., Jr. | Gannett, Ann C. |
| Cellucci, Argeo P. | Gibson, Mary Jane |
| Cerasoli, Robert A. | Gillette, Robert W. |
| Chmura, Rudy | Glodis, William J., Jr. |
| Ciccarelli, Salvatore | Goyette, Roger R. |
| Cimino, Salvatore P. | Graham, Sandra |
| Clark, Forrester A., Jr. | Gray, Barbara E. |
| Cochran, Deborah R. | Gray, John |
| Cohen, David B. | Greenhalgh, Haden G. |
| Cole, Lincoln P., Jr. | Harrington, James T. |
| Collaro, Andrew | Healy, Jonathan L. |
| Collins, James G. | Hermann, Joseph N. |
| Connelly, Edward W. | Holland, Iris K. |

| | |
|--------------------------|-----------------------------|
| Howe, Marie E. | Natsios, Andrew S. |
| Johnston, Philip W. | Navin, Joseph M. |
| Jordan, Raymond A., Jr. | Nelson, David Robert |
| Karol, Stephen J. | Nickinello, Louis R. |
| Keating, William R. | Perry, John B. |
| Keverian, George | Picucci, Angelo |
| King, Melvin H. | Pierce, Steven D. |
| Lambros, Nickolas | Piro, Vincent J. |
| Larkin, Robert F., Jr. | Poirier, Kevin |
| Lawrence, Denis | Rea, Michael J., Jr. |
| Lawton, Mark E. | Robinson, William G. |
| LeLacheur, Edward A. | Roche, Richard P. |
| Lombardi, Leon J. | Rogers, Andrew J., Jr. |
| Lombardi, Michael J. | Rohan, Robert J. |
| Loring, John H. | Rourke, Timothy M. |
| Lussier, Thomas R. | Ruane, J. Michael |
| Lynch, Thomas K. | Saggese, Alfred E., Jr. |
| MacLean, William Q., Jr. | Saltmarsh, Sherman W., Jr. |
| Manning, M. Joseph | Scelsi, Joseph S. |
| Marotta, Angelo | Scibelli, Anthony M. |
| Matrango, Frank J. | Semensi, Joseph J. |
| McGlynn, Michael J. | Silva, Richard R. |
| McNeil, John C. | Speliotis, Theodore C. |
| McNeil, Robert D. | Sullivan, Gregory William |
| Melia, John F. | Switzler, Royall H. |
| Menard, Joan M. | Tougas, Roger L. |
| Metayer, Elizabeth N. | Vigneau, Robert A. |
| Miceli, James R. | Voke, Richard A. |
| Minahan, Alfred A., Jr. | Walsh, Richard L. |
| Monahan, F. John | Wetherbee, Bruce E. |
| Morrissey, Michael W. | White, Thomas P. |
| Mullins, William D. | Whitney, A. James |
| Murray, Mary Jeanette | Woodward, Francis H. — 122. |

ABSENT OR NOT VOTING (20).

Senators.

| | |
|---------------------------|------------------------|
| Backman, Jack H. | McKenna, Denis L. |
| Fitzpatrick, John H. | Shea, Philip L. |
| Foley, Daniel J. | Wetmore, Robert D. |
| Lewis, Arthur Joseph, Jr. | Zarod, Stanley J. — 8. |

Representatives.

| | |
|----------------------|-------------------------|
| Bickford, Walter E. | Grenier, Henry R. |
| Cahir, Jeremiah F. | Khoury, Arthur M. |
| Cohen, Gerald M. | McKenna, Arthur J. |
| Dwinell, Richard J. | Mofenson, David J. |
| Fitzgerald, Kevin W. | Murphy, John E., Jr. |
| Flynn, Peter Y. | Serra, Emanuel G. — 12. |

The yeas and nays having been completed at twenty-one minutes before four o'clock P.M., the motion to adjourn was *negatived*.

Without further action on the matters duly and constitutionally assigned for consideration, on motion of Mr. McGee of Lynn, at twenty-one minutes before four o'clock P.M., the joint session was recessed until one o'clock P.M., on Wednesday, September 24.

Wednesday, September 24, 1980.

Joint Session of the Two Houses to consider Specific Legislative Amendments to the Constitution.

Joint
Session.

At one o'clock P. M., pursuant to assignment, the two Houses met in a continuance of the

JOINT SESSION

and were called to order by the Honorable William M. Bulger, President of the Senate.

Statement of Representative Bunte of Boston Concerning Representative Graham of Cambridge.

Statement of
Representative
Bunte of
Boston
concerning
Representative
Graham of
Cambridge.

During consideration of the Orders of the Day, Ms. Bunte of Boston asked unanimous consent to make a statement; and, there being no objection, she addressed the Joint Session as follows:

MR. PRESIDENT: I would like to call to the attention of the Joint Session the fact that one of our colleagues, Representative Graham of Cambridge, is unable to be present in the House Chamber today due to a death in her family.

Any roll calls that she may miss today will be due entirely to the reason stated.

Ms. Bunte then moved that the statement made by her be spread upon the records of the Joint Session; and the motion prevailed.

Constitution,—
abolish county
government.

The Proposal for a Legislative Amendment to the Constitution relative to abolishing county government (see Senate, No. 210) (with reference to which the committee on Counties has reported, in accordance with Joint Rule 23, recommending that the amendment ought NOT to pass), — was read twice in accordance with the provisions of the special rules.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution relative to abolishing county government.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

ARTICLE . That level of government known as county govern-

ment is hereby abolished. Such of its functions as involve roads, highways and courts, and as involve other functions as the General Court may determine, shall be transferred to the Commonwealth. Such other lesser functions, including but not limited to the keeping of records exclusively involving individual cities and towns, as the General Court may determine, shall be transferred to the cities and towns. Persons in the employ of the county at the times of said abolition and for a period of six months previous, shall be reassigned to the Commonwealth, as and if the General Court so directs, or to the cities and towns as the cities and towns may direct.

After debate, the Joint Session *refused* to order the proposal to a third reading.

The question on verifying the unfavorable vote was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at one minute before two o'clock P.M., as follows, to wit (yeas 59 — nays 124):—

YEAS (59).

Senators.

| | |
|------------------|-------------------------|
| Amick, Carol C. | Hunt, Robert M. |
| Backman, Jack H. | King, John G. |
| Buell, Robert C. | Locke, David H. |
| Burke, Edward L. | McKinnon, Allan R. |
| Hall, Robert A. | Pollard, Sharon M. |
| Harold, Paul D. | Sisitsky, Alan D. — 12. |

Representatives.

| | |
|--------------------------|----------------------------|
| Alexander, Lawrence R. | Johnston, Philip W. |
| Barrett, Michael J. | Karol, Stephen J. |
| Bevilacqua, Francis J. | King, Melvin H. |
| Bickford, Walter E. | Lambros, Nickolas |
| Buglione, Nicholas J. | Larkin, Robert F., Jr. |
| Bunte, Doris | Lombardi, Leon J. |
| Businger, John A. | Loring, John H. |
| Card, Andrew H., Jr. | Lussier, Thomas R. |
| Cellucci, Argeo P. | McNeil, John C. |
| Cerasoli, Robert A. | Miceli, James R. |
| Clark, Forrester A., Jr. | Minahan, Alfred A., Jr. |
| Cochran, Deborah R. | Natsios, Andrew S. |
| Cohen, David B. | Paleologos, Nicholas A. |
| Cole, Lincoln P., Jr. | Poirier, Kevin |
| Costello, Nicholas J. | Robinson, William G. |
| Decas, Charles N. | Saltmarsh, Sherman W., Jr. |
| Frank, Barney | Scelsi, Joseph S. |
| Freeman, Bruce N. | Silva, Richard R. |
| Gannett, Ann C. | Speliotis, Theodore C. |
| Gibson, Mary Jane | Switzler, Royall H. |
| Gray, Barbara E. | Walsh, Richard L. |
| Gray, John | Wetherbee, Bruce E. |
| Harrington, James T. | Whitney, A. James — 47. |
| Hermann, Joseph N. | |

NAYS (124).

Senators.

Atkins, Chester G.
 Aylmer, John F.
 Bertonazzi, Louis P.
 Boverini, Walter J.
 Brennan, John A., Jr.
 Buckley, Anna P.
 Burke, John P.
 D'Amico, Gerard
 Doris, Francis D.
 Fitzpatrick, John H.
 Foley, Daniel J.
 Fonseca, Mary L.

LoPresti, Michael, Jr.
 McCann, Francis X.
 McCarthy, Robert E.
 McKenna, Denis L.
 Owens, Bill
 Parker, John F.
 Rotondi, Samuel
 Shea, Philip L.
 Wall, William X.
 Wetmore, Robert D.
 Zarod, Stanley J. — 23.

Representatives.

Aguiar, Antone S., Jr.
 Aleixo, Theodore J., Jr.
 Almeida, Alfred
 Ambler, Robert B.
 Asiaf, Peter George
 Benson, William D.
 Bohigian, Robert J.
 Bolling, Royal L., Jr.
 Bourque, George J.
 Brownell, Thomas F.
 Cahir, Jeremiah F.
 Cahoon, Howard C., Jr.
 Carey, William A.
 Cataldo, Angelo R.
 Chmura, Rudy
 Ciccarelli, Salvatore
 Cimino, Salvatore P.
 Cohen, Gerald M.
 Collaro, Andrew
 Collins, James G.
 Connelly, Edward W.
 Corazzini, Leo R.
 Correia, Robert
 Craven, James J., Jr.
 Creedon, Michael C.
 Cusack, John F.
 DeFilippi, Walter A.
 DeNucci, A. Joseph
 DiMasi, Salvatore
 Doyle, Charles Robert
 Driscoll, John R.
 Duffin, Dennis J.
 Dwinell, Richard J.
 Fallon, Thomas F.
 Feeney, Michael Paul
 Finnegan, John J.

Finneran, Thomas M.
 Flaherty, Charles F., Jr.
 Flaherty, Michael F.
 Flynn, Peter Y.
 Flynn, William J., Jr.
 Galvin, William F.
 Gillette, Robert W.
 Goyette, Roger R.
 Greenhalgh, Haden G.
 Grenier, Henry R.
 Healy, Jonathan L.
 Holland, Iris K.
 Howe, Marie E.
 Jordan, Raymond A., Jr.
 Keating, William R.
 Keverian, George
 LaFontaine, Raymond M.
 Lawrence, Denis
 Lawton, Mark E.
 LeLacheur, Edward A.
 Lombardi, Michael J.
 Lynch, Thomas K.
 MacLean, William Q., Jr.
 Manning, M. Joseph
 Marotta, Angelo
 Matrango, Frank J.
 McGee, Thomas W.
 McGlynn, Michael J.
 McKenna, Arthur J.
 McNally, Charles F.
 McNeil, Robert D.
 Melia, John F.
 Menard, Joan M.
 Metayer, Elizabeth N.
 Monahan, F. John
 Moore, Richard T.

Morrissey, Michael W.
 Mullins, William D.
 Murphy, John E., Jr.
 Murray, Mary Jeanette
 Nagle, William P., Jr.
 Navin, Joseph M.
 Nelson, David Robert
 Nickinello, Louis R.
 Perry, John B.
 Picucci, Angelo
 Pierce, Steven D.
 Piro, Vincent J.
 Pokaski, Daniel F.
 Rea, Michael J., Jr.
 Roche, Richard P.

Rogers, Andrew J., Jr.
 Rohan, Robert J.
 Rourke, Timothy M.
 Ruane, J. Michael
 Saggese, Alfred E., Jr.
 Scibelli, Anthony M.
 Serra, Emanuel G.
 Sullivan, Gregory William
 Tougas, Roger L.
 Vigneau, Robert A.
 Voke, Richard A.
 White, Thomas P.
 White, W. Paul
 Woodward, Francis H. — 101.

ABSENT OR NOT VOTING (15).

Senators.

Lewis, Arthur Joseph, Jr.
 Olver, John W.

Timilty, Joseph F.
 Walsh, Joseph B. — 4.

Representatives.

Bassett, Timothy A.
 Bly, Belden G., Jr.
 Demers, Richard H.
 Fitzgerald, Kevin W.
 Glodis, William J., Jr.
 Graham, Sandra

Khoury, Arthur M.
 Long, John J.
 Mofenson, David J.
 Norton, Thomas C.
 Semensi, Joseph J. — 11.

The yeas and nays having been completed at sixteen minutes past two o'clock P.M., the Joint Session *refused* to order the proposal to a third reading.

The Proposal for a Legislative Amendment to the Constitution restricting eligibility for public office by certain persons (see Senate, No. 352) (with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass), — was read twice in accordance with the provisions of the special rules.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution restricting eligibility for public office by certain persons.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

Constitution,—
 eligibility for
 public office.

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ARTICLE OF AMENDMENT.

Constitution, —
eligibility
for public
office.

Article . No person convicted of malfeasance or misfeasance while elected or appointed to public office shall thereafter be eligible for public office.

Notwithstanding the provisions of Article II of section II or Article X of section III of chapter I of Part the Second, the secretary of the commonwealth shall declare a vacancy in any public office upon the conviction of any person for misfeasance or malfeasance while appointed or elected to such office.

The Joint Session then *refused* to order the proposal to a third reading.

The question on verifying the unfavorable vote was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at nineteen minutes past two o'clock P.M., as follows, to wit (yeas 97 — nays 88): —

YEAS (97).

Senators.

Backman, Jack H.
Buell, Robert C.
Fitzpatrick, John H.
Fonseca, Mary L.
Hall, Robert A.
Harold, Paul D.

Locke, David H.
McCann, Francis X.
McKinnon, Allan R.
Parker, John F.
Zarod, Stanley J. — 11.

Representatives.

Alexander, Lawrence R.
Almeida, Alfred
Barrett, Michael J.
Benson, William D.
Bevilacqua, Francis J.
Bohigian, Robert J.
Bourque, George J.
Brownell, Thomas F.
Cahir, Jeremiah F.
Card, Andrew H., Jr.
Carey, William A.
Cerasoli, Robert A.
Chmura, Rudy
Ciccarelli, Salvatore
Cimino, Salvatore P.
Clark, Forrester A., Jr.
Cochran, Deborah R.
Cole, Lincoln P., Jr.
Collaro, Andrew
Collins, James G.
Connelly, Edward W.
Corazzini, Leo R.
Correia, Robert
Decas, Charles N.
DeFilippi, Walter A.
Driscoll, John R.

Duffin, Dennis J.
Flaherty, Charles F., Jr.
Flynn, Peter Y.
Flynn, William J., Jr.
Frank, Barney
Freeman, Bruce N.
Gannett, Ann C.
Gray, John
Greenhalgh, Haden G.
Grenier, Henry R.
Harrington, James T.
Healy, Jonathan L.
Hermann, Joseph N.
Holland, Iris K.
Howe, Marie E.
Johnston, Philip W.
Karol, Stephen J.
Keating, William R.
Larkin, Robert F., Jr.
Lawrence, Denis
LeLacheur, Edward A.
Lombardi, Leon J.
Loring, John H.
Lussier, Thomas R.
Lynch, Thomas K.
Manning, M. Joseph

Matrango, Frank J.
 McNally, Charles F.
 McNeil, John C.
 McNeil, Robert D.
 Metayer, Elizabeth N.
 Miceli, James R.
 Minahan, Alfred A., Jr.
 Monahan, F. John
 Morrissey, Michael W.
 Mullins, William D.
 Murray, Mary Jeanette
 Nagle, William P., Jr.
 Natsios, Andrew S.
 Navin, Joseph M.
 Nelson, David Robert
 Nickinello, Louis R.
 Paleologos, Nicholas A.

Perry, John B.
 Picucci, Angelo
 Pierce, Steven D.
 Poirier, Kevin
 Robinson, William G.
 Roche, Richard P.
 Rohan, Robert J.
 Rourke, Timothy M.
 Saltmarsh, Sherman W., Jr.
 Scelsi, Joseph S.
 Silva, Richard R.
 Switzler, Royall H.
 Walsh, Richard L.
 Wetherbee, Bruce E.
 White, Thomas P.
 Whitney, A. James
 Woodward, Francis H. — 86.

NAYS (88).

Senators.

Amick, Carol C.
 Atkins, Chester G.
 Aylmer, John F.
 Bertonazzi, Louis P.
 Boverini, Walter J.
 Brennan, John A., Jr.
 Buckley, Anna P.
 Burke, Edward L.
 Burke, John P.
 D'Amico, Gerard
 Doris, Francis D.
 Foley, Daniel J.
 Hunt, Robert M.

King, John G.
 LoPresti, Michael, Jr.
 McCarthy, Robert E.
 McKenna, Denis L.
 Olver, John W.
 Owens, Bill
 Pollard, Sharon M.
 Rotondi, Samuel
 Shea, Philip L.
 Sisitsky, Alan D.
 Wall, William X.
 Wetmore, Robert D. — 25.

Representatives.

Aguir, Antone S., Jr.
 Aleixo, Theodore J., Jr.
 Ambler, Robert B.
 Asiaf, Peter George
 Bickford, Walter E.
 Bolling, Royal L., Jr.
 Buglione, Nicholas J.
 Bunte, Doris
 Businger, John A.
 Cahoon, Howard C., Jr.
 Cataldo, Angelo R.
 Cellucci, Argeo P.
 Cohen, David B.
 Cohen, Gerald M.
 Costello, Nicholas J.
 Craven, James J., Jr.
 Creedon, Michael C.
 Cusack, John F.

Demers, Richard H.
 DeNucci, A. Joseph
 DiMasi, Salvatore
 Doyle, Charles Robert
 Dwinell, Richard J.
 Fallon, Thomas F.
 Finnegan, John J.
 Finneran, Thomas M.
 Fitzgerald, Kevin W.
 Flaherty, Michael F.
 Galvin, William F.
 Gibson, Mary Jane
 Gillette, Robert W.
 Goyette, Roger R.
 Gray, Barbara E.
 Jordan, Raymond A., Jr.
 Keverian, George
 King, Melvin H.

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LaFontaine, Raymond M.
 Lambros, Nickolas
 Lawton, Mark E.
 Lombardi, Michael J.
 MacLean, William Q., Jr.
 Marotta, Angelo
 McGee, Thomas W.
 McGlynn, Michael J.
 McKenna, Arthur J.
 Melia, John F.
 Menard, Joan M.
 Moore, Richard T.
 Murphy, John E., Jr.
 Piro, Vincent J.

Pokaski, Daniel F.
 Rea, Michael J., Jr.
 Rogers, Andrew J., Jr.
 Ruane, J. Michael
 Saggese, Alfred E., Jr.
 Scibelli, Anthony M.
 Serra, Emanuel G.
 Speliotis, Theodore C.
 Sullivan, Gregory William
 Tougas, Roger L.
 Vigneau, Robert A.
 Voke, Richard A.
 White, W. Paul — 63.

ABSENT OR NOT VOTING (13).

Senators.

Lewis, Arthur Joseph, Jr.
 Timilty, Joseph F.

Walsh, Joseph B. — 3.

Representatives.

Bassett, Timothy A.
 Bly, Belden G., Jr.
 Feeney, Michael Paul
 Glodis, William J., Jr.
 Graham, Sandra

Khoury, Arthur M.
 Long, John J.
 Mofenson, David J.
 Norton, Thomas C.
 Semensi, Joseph J. — 10.

The yeas and nays having been completed at twenty-four minutes before three o'clock P.M., the proposal was ordered to a third reading.

Constitution,—
 right of
 privacy.

The Proposal for a Legislative Amendment to the Constitution establishing the right of privacy for all persons (see Senate, No. 906) (with reference to which the committee on the Judiciary has reported recommending that the amendment ought NOT to pass), — was read twice in accordance with the provisions of the special rules.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution establishing the right of privacy for all persons.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article XIV of Part the First of the constitution is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

Every subject has a right to privacy and to be secure from all unreasonable searches, and seizures of his person, his houses, his papers, and all his possessions.

The Joint Session then *refused* to order the proposal to a third reading.

The question on verifying the unfavorable vote was taken by the call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at twenty-three minutes before three o'clock P.M., as follows, to wit (yeas 173 — nays 9):

YEAS (173).

Senators.

| | |
|-----------------------|-------------------------|
| Amick, Carol C. | Harold, Paul D. |
| Atkins, Chester G. | Hunt, Robert M. |
| Aylmer, John F. | King, John G. |
| Backman, Jack H. | Locke, David H. |
| Bertonazzi, Louis P. | LoPresti, Michael, Jr. |
| Boverini, Walter J. | McCann, Francis X. |
| Brennan, John A., Jr. | McCarthy, Robert E. |
| Buckley, Anna P. | McKinnon, Allan R. |
| Buell, Robert C. | Olver, John W. |
| Burke, Edward L. | Owens, Bill |
| Burke, John P. | Parker, John F. |
| D'Amico, Gerard | Pollard, Sharon M. |
| Doris, Francis D. | Rotondi, Samuel |
| Fitzpatrick, John H. | Sisitsky, Alan D. |
| Foley, Daniel J. | Wall, William X. |
| Fonseca, Mary L. | Wetmore, Robert D. |
| Hall, Robert A. | Zarod, Stanley J. — 34. |

Representatives.

| | |
|--------------------------|--------------------------|
| Aguiar, Antone S., Jr. | Cataldo, Angelo R. |
| Aleixo, Theodore J., Jr. | Cellucci, Argeo P. |
| Alexander, Lawrence R. | Cerasoli, Robert A. |
| Almeida, Alfred | Chmura, Rudy |
| Ambler, Robert B. | Ciccarelli, Salvatore |
| Asiaf, Peter George | Cimino, Salvatore P. |
| Barrett, Michael J. | Clark, Forrester A., Jr. |
| Benson, William D. | Cochran, Deborah R. |
| Bevilacqua, Francis J. | Cohen, David B. |
| Bickford, Walter E. | Cohen, Gerald M. |
| Bohigian, Robert J. | Cole, Lincoln P., Jr. |
| Bolling, Royal L., Jr. | Collaro, Andrew |
| Bourque, George J. | Collins, James G. |
| Brownell, Thomas F. | Connelly, Edward W. |
| Buglione, Nicholas J. | Corazzini, Leo R. |
| Bunte, Doris | Correia, Robert |
| Businger, John A. | Costello, Nicholas J. |
| Cahir, Jeremiah F. | Craven, James J., Jr. |
| Cahoon, Howard C., Jr. | Cusack, John F. |
| Card, Andrew H., Jr. | Decas, Charles N. |
| Carey, William A. | DeFilippi, Walter A. |

| | |
|---------------------------|-----------------------------|
| Demers, Richard H. | McGlynn, Michael J. |
| DeNucci, A. Joseph | McKenna, Arthur J. |
| DiMasi, Salvatore | McNally, Charles F. |
| Doyle, Charles Robert | McNeil, John C. |
| Driscoll, John R. | McNeil, Robert D. |
| Duffin, Dennis J. | Melia, John F. |
| Dwinell, Richard J. | Menard, Joan M. |
| Fallon, Thomas F. | Metayer, Elizabeth N. |
| Finneran, Thomas M. | Miceli, James R. |
| Fitzgerald, Kevin W. | Minahan, Alfred A., Jr. |
| Flaherty, Charles F., Jr. | Monahan, F. John |
| Flynn, Peter Y. | Moore, Richard T. |
| Flynn, William J., Jr. | Morrissey, Michael W. |
| Frank, Barney | Mullins, William D. |
| Freeman, Bruce N. | Murphy, John E., Jr. |
| Galvin, William F. | Murray, Mary Jeanette |
| Gannett, Ann C. | Nagle, William P., Jr. |
| Gibson, Mary Jane | Natsios, Andrew S. |
| Gillette, Robert W. | Navin, Joseph M. |
| Goyette, Roger R. | Nelson, David Robert |
| Gray, Barbara E. | Nickinello, Louis R. |
| Gray, John | Paleologos, Nicholas A. |
| Greenhalgh, Haden G. | Perry, John B. |
| Grenier, Henry R. | Picucci, Angelo |
| Harrington, James T. | Piro, Vincent J. |
| Healy, Jonathan L. | Poirier, Kevin |
| Hermann, Joseph N. | Pokaski, Daniel F. |
| Holland, Iris K. | Rea, Michael J., Jr. |
| Howe, Marie E. | Robinson, William G. |
| Johnston, Philip W. | Roche, Richard P. |
| Jordan, Raymond A., Jr. | Rogers, Andrew J., Jr. |
| Karol, Stephen J. | Rohan, Robert J. |
| Keating, William R. | Rourke, Timothy M. |
| Keverian, George | Ruane, J. Michael |
| King, Melvin H. | Saltmarsh, Sherman W., Jr. |
| LaFontaine, Raymond M. | Scelsi, Joseph S. |
| Lambros, Nickolas | Silva, Richard R. |
| Larkin, Robert F., Jr. | Speliotis, Theodore C. |
| Lawrence, Denis | Sullivan, Gregory William |
| LeLacheur, Edward A. | Switzler, Royall H. |
| Lombardi, Leon J. | Tougas, Roger L. |
| Lombardi, Michael J. | Vigneau, Robert A. |
| Loring, John H. | Voke, Richard A. |
| Lussier, Thomas R. | Walsh, Richard L. |
| Lynch, Thomas K. | Wetherbee, Bruce E. |
| MacLean, William Q., Jr. | White, Thomas P. |
| Manning, M. Joseph | Whitney, A. James |
| Marotta, Angelo | Woodward, Francis H. — 139. |
| Matrango, Frank J. | |

NAYS (9).

Senator,

Shea, Philip L. — 1.

Representatives.

| | |
|----------------------|-------------------------|
| Creedon, Michael C. | Pierce, Steven D. |
| Flaherty, Michael F. | Saggese, Alfred E., Jr. |
| Lawton, Mark E. | Serra, Emanuel G. |
| McGee, Thomas W. | White, W. Paul — 8. |

ABSENT OR NOT VOTING (16).

Senators.

| | |
|---------------------------|-----------------------|
| Lewis, Arthur Joseph, Jr. | Timilty, Joseph F. |
| McKenna, Denis L. | Walsh, Joseph B. — 4. |

Representatives.

| | |
|-------------------------|--------------------------|
| Bassett, Timothy A. | Khoury, Arthur M. |
| Bly, Belden G., Jr. | Long, John J. |
| Feeney, Michael Paul | Mofenson, David J. |
| Finnegan, John J. | Norton, Thomas C. |
| Glodis, William J., Jr. | Scibelli, Anthony M. |
| Graham, Sandra | Semensi, Joseph J. — 12. |

The yeas and nays having been completed at eight minutes before three o'clock P.M., the proposal was ordered to a third reading.

Mr. Flaherty of Boston moved that the Joint Session adjourn; and this motion was *negatived*, by a vote of 23 to 46.

Motion to adjourn.

The Proposal for a Legislative Amendment to the Constitution providing for the abolition of the council and the appointment of certain officers by the governor with the consent of the senate (see Senate, No. 919) (with reference to which the committee on the Judiciary has reported recommending that the amendment ought NOT to pass), — was read twice in accordance with the provisions of the special rules.

Constitution, —
abolition of
the Council.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution providing for the abolition of the council and the appointment of certain officers by the governor with the consent of the senate.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Art. Section 1. Article IV of section I of chapter I of Part the Second of the Constitution of the Commonwealth is hereby amended by striking out the words "with the advice and consent of the council".

Constitution, —
abolition
of the
Council.

Section 2. Article II of section II of chapter I is hereby amended by striking out the words "and councillors" in the first paragraph thereof and the words "councillors and" wherever they may appear in the second paragraph thereof.

Section 3. Article III of section II of said chapter I is hereby amended by striking out the words "with five of the council".

Section 4. Article XI of section II of said chapter I is hereby amended by striking out the words "and council" and the word "council" where they appear in said Article.

Section 5. Section I of chapter II of Part the Second is hereby amended by striking out Article IV thereof.

Section 6. Article V of section I of said chapter II is hereby amended by striking out the words "with advice of council".

Section 7. Article VI of section I of said chapter II is hereby amended by striking out the words "with advice of the council".

Section 8. Article IX of section I of said chapter II, as amended, is hereby annulled and the following is adopted in place thereof: —

Article IX. All judicial officers and such other officers as the general court may provide by statute shall be nominated and appointed by the governor, with the consent of the senate; provided, that if the senate shall neither grant nor refuse its consent within the sixty calendar days next following any such nomination, the general court not having been prorogued within such sixty days, the person nominated shall be deemed to have been appointed as if such consent had been granted. The governor shall have power to fill all vacancies that may exist after prorogation of the general court in each political year by granting commissions which shall expire upon prorogation of the general court in the next political year.

Section 9. Article X of section I of said chapter II is hereby amended by striking out the words "with advice of council", in the fourth paragraph thereof and in the seventh paragraph thereof.

Section 10. Article XI of section I of said chapter II is hereby amended by striking out the words "with the advice and consent of the council".

Section 11. Section II of chapter II of Part the Second is hereby amended by striking out Article II thereof.

Section 12. Chapter II of Part the Second is hereby amended by striking out section III thereof.

Section 13. Article II of section IV of said chapter II is hereby amended by striking out the words "and council".

Section 14. Article I of chapter III of Part the Second is hereby amended by striking out the words "with consent of the council".

Section 15. Article II of said chapter III is hereby amended by striking out the words "and council".

Section 16. Article V of said chapter III is hereby amended by striking out the words "and council".

Section 17. Article I of chapter VI of Part the Second is hereby amended by striking out the words "and councillors" and "and council" in the last paragraph thereof.

Section 18. Article II of said chapter VI is hereby amended by striking out in the second paragraph, the words "and council" and inserting in place thereof the words: — and senate.

Section 19. Article II of said chapter VI is hereby amended by striking out the fourth paragraph thereof.

Section 20. Article IV of the Amendments to the Constitution of the Commonwealth is hereby amended by striking out the words "with consent of the council".

Section 21. Article VII of said Amendments is hereby amended by striking out the word "councillors".

Section 22. Article VIII of said Amendments is hereby amended by striking out the words "or councillors", and by substituting the words: — or, — for the comma between the words "governor" and "lieutenant-governor" in the fourth line thereof.

Section 23. Article XIII of said Amendments is hereby amended by striking out the words "or in the executive council" in the last sentence of said Article.

Section 24. Article XVI of said Amendments is hereby amended by striking out the first six sentences and is further amended by striking out the words "with at least five councillors for the time being" and the words "and councillors" in the seventh sentence of said Article and by substituting the word: and, — for the comma between the words "governor" and "lieutenant-governor" in said seventh sentence.

Section 25. Article XVII of said Amendments is hereby amended by striking out therefrom the words "with the advice and consent of the council".

Section 26. Article XXV of said Amendments is hereby annulled.

Section 27. Article LVIII of said Amendments is hereby amended by striking out the words "with the consent of the council".

Section 28. Article LXIV of said Amendments, as amended by Article LXXX of the Amendments, is hereby amended by striking out the word "councillors" in the first sentence thereof, and the words "and councillors" in the second sentence thereof and by substituting the word: — and, for the comma between the words "governor" and "lieutenant-governor" in the second sentence thereof.

Section 29. Article LXXI of said Amendments is hereby amended by striking out from the paragraph entitled "*Article XXII*" the words "and also the councillor districts".

Section 30. Article LXXIII of said Amendments is hereby amended by striking out from the paragraph entitled "*Article VIII*" the words "by and with the advice of council", and ", with the advice of the council".

Section 31. Article LXXIX of said Amendments is hereby amended by striking out the words "with the advice and consent of the council".

Section 32. All the provisions of the constitution and amendments inconsistent with the provisions of the Amendments are hereby annulled. All the provisions of the general or special laws of the commonwealth inconsistent with the provisions of this Amendment shall be deemed hereby superseded.

Constitution, —
abolition of
Council.

After debate, the Joint Session *refused* to order the proposal to a third reading.

The question on verifying the unfavorable vote was taken by the call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at twelve minutes past three o'clock P.M., as follows, to wit (yeas 75 — nays 110): —

YEAS (75).

Senators.

| | |
|----------------------|-------------------------|
| Amick, Carol C. | Hall, Robert A. |
| Atkins, Chester G. | Harold, Paul D. |
| Backman, Jack H. | King, John G. |
| Buell, Robert C. | Locke, David H. |
| Burke, Edward L. | McCarthy, Robert E. |
| Burke, John P. | Olver, John W. |
| D'Amico, Gerard | Owens, Bill |
| Fitzpatrick, John H. | Sisitsky, Alan D. — 17. |
| Foley, Daniel J. | |

Representatives.

| | |
|--------------------------|----------------------------|
| Alexander, Lawrence R. | Holland, Iris K. |
| Almeida, Alfred | Johnston, Philip W. |
| Barrett, Michael J. | Karol, Stephen J. |
| Benson, William D. | Lawrence, Denis |
| Bickford, Walter E. | Lombardi, Leon J. |
| Businger, John A. | Loring, John H. |
| Cahir, Jeremiah F. | Lussier, Thomas R. |
| Card, Andrew H., Jr. | Lynch, Thomas K. |
| Cellucci, Argeo P. | Matrango, Frank J. |
| Cerasoli, Robert A. | McNeil, John C. |
| Clark, Forrester A., Jr. | Metayer, Elizabeth N. |
| Cochran, Deborah R. | Miceli, James R. |
| Cohen, David B. | Minahan, Alfred A., Jr. |
| Collins, James G. | Natsios, Andrew S. |
| Connelly, Edward W. | Nelson, David Robert |
| Decas, Charles N. | Pierce, Steven D. |
| DeFilippi, Walter A. | Poirier, Kevin |
| Duffin, Dennis J. | Robinson, William G. |
| Finneran, Thomas M. | Roche, Richard P. |
| Frank, Barney | Saltmarsh, Sherman W., Jr. |
| Freeman, Bruce N. | Silva, Richard R. |
| Gannett, Ann C. | Speliotis, Theodore C. |
| Gibson, Mary Jane | Sullivan, Gregory William |
| Goyette, Roger R. | Switzler, Royall H. |
| Gray, Barbara E. | Tougas, Roger L. |
| Gray, John | Wetherbee, Bruce E. |
| Greenhalgh, Haden G. | White, Thomas P. |
| Harrington, James T. | Whitney, A. James |
| Healy, Jonathan L. | Woodward, Francis H. — 58. |

NAYS (110).

Senators.

| | |
|---------------------------|-------------------------|
| Aylmer, John F. | McCann, Francis X. |
| Bertonazzi, Louis P. | McKenna, Denis L. |
| Boverini, Walter J. | McKinnon, Allan R. |
| Brennan, John A., Jr. | Parker, John F. |
| Buckley, Anna P. | Pollard, Sharon M. |
| Doris, Francis D. | Rotondi, Samuel |
| Fonseca, Mary L. | Wall, William X. |
| Hunt, Robert M. | Wetmore, Robert D. |
| Lewis, Arthur Joseph, Jr. | Zarod, Stanley J. — 19. |
| LoPresti, Michael, Jr. | |

Representatives.

| | |
|---------------------------|--------------------------|
| Aguiar, Antone S., Jr. | Flynn, Peter Y. |
| Aleixo, Theodore J., Jr. | Flynn, William J., Jr. |
| Ambler, Robert B. | Galvin, William F. |
| Asiaf, Peter George | Gillette, Robert W. |
| Bevilacqua, Francis J. | Glodis, William J., Jr. |
| Bohigian, Robert J. | Grenier, Henry R. |
| Bolling, Royal L., Jr. | Hermann, Joseph N. |
| Bourque, George J. | Howe, Marie E. |
| Brownell, Thomas F. | Jordan, Raymond A., Jr. |
| Buglione, Nicholas J. | Keating, William R. |
| Bunte, Doris | Keverian, George |
| Cahoon, Howard C., Jr. | King, Melvin H. |
| Carey, William A. | LaFontaine, Raymond M. |
| Cataldo, Angelo R. | Larkin, Robert F., Jr. |
| Chmura, Rudy | LeLacheur, Edward A. |
| Ciccarelli, Salvatore | Lombardi, Michael J. |
| Cimino, Salvatore P. | MacLean, William Q., Jr. |
| Cohen, Gerald M. | Manning, M. Joseph |
| Cole, Lincoln P., Jr. | Marotta, Angelo |
| Collaro, Andrew | McGee, Thomas W. |
| Corazzini, Leo R. | McGlynn, Michael J. |
| Correia, Robert | McKenna, Arthur J. |
| Costello, Nicholas J. | McNally, Charles F. |
| Craven, James J., Jr. | McNeil, Robert D. |
| Creedon, Michael C. | Melia, John F. |
| Cusack, John F. | Menard, Joan M. |
| Demers, Richard H. | Monahan, F. John |
| DeNucci, A. Joseph | Moore, Richard T. |
| DiMasi, Salvatore | Morrissey, Michael W. |
| Doyle, Charles Robert | Mullins, William D. |
| Driscoll, John R. | Murphy, John E., Jr. |
| Dwinell, Richard J. | Murray, Mary Jeanette |
| Fallon, Thomas F. | Nagle, William P., Jr. |
| Feeney, Michael Paul | Navin, Joseph M. |
| Finnegan, John J. | Nickinello, Louis R. |
| Fitzgerald, Kevin W. | Paleologos, Nicholas A. |
| Flaherty, Charles F., Jr. | Perry, John B. |
| Flaherty, Michael F. | Picucci, Angelo |

JOURNAL OF THE JOINT SESSION,

| | |
|-------------------------|----------------------|
| Piro, Vincent J. | Scelsi, Joseph S. |
| Pokaski, Daniel F. | Scibelli, Anthony M. |
| Rea, Michael J., Jr. | Serra, Emanuel G. |
| Rogers, Andrew J., Jr. | Vigneau, Robert A. |
| Rohan, Robert J. | Voke, Richard A. |
| Rourke, Timothy M. | Walsh, Richard L. |
| Ruane, J. Michael | White, W. Paul — 91. |
| Saggese, Alfred E., Jr. | |

ABSENT OR NOT VOTING (13).

Senators.

| | |
|--------------------|-----------------------|
| Shea, Philip L. | Walsh, Joseph B. — 3. |
| Timilty, Joseph F. | |

Representatives.

| | |
|---------------------|--------------------------|
| Bassett, Timothy A. | Lawton, Mark E. |
| Bly, Belden G., Jr. | Long, John J. |
| Graham, Sandra | Mofenson, David J. |
| Khoury, Arthur M. | Norton, Thomas C. |
| Lambros, Nickolas | Semensi, Joseph J. — 10. |

The yeas and nays having been completed at twenty-seven minutes before four o'clock P.M., the Joint Session *refused* to order the proposal to a third reading.

Motion to
adjourn.

Mr. Foley moved that the Joint Session adjourn; and the question on this motion was determined by a call of the yeas and nays, at twenty-six minutes before four o'clock P.M., as follows, to wit (yeas 50 — nays 131): —

YEAS (50).

Senators.

| | |
|---------------------------|--------------------------|
| Amick, Carol C. | LoPresti, Michael, Jr. |
| Bertonazzi, Louis P. | McCann, Francis X. |
| Boverini, Walter J. | McCarthy, Robert E. |
| Brennan, John A., Jr. | McKenna, Denis L. |
| Buckley, Anna P. | McKinnon, Allan R. |
| Buell, Robert C. | Olver, John W. |
| Burke, Edward L. | Owens, Bill |
| Burke, John P. | Pollard, Sharon M. |
| D'Amico, Gerard | Rotondi, Samuel |
| Doris, Francis D. | Shea, Philip L. |
| Foley, Daniel J. | Sisitsky, Alan D. |
| Fonseca, Mary L. | Wetmore, Robert D. — 25. |
| Lewis, Arthur Joseph, Jr. | |

Representatives.

| | |
|-----------------------|------------------------|
| Ambler, Robert B. | Flaherty, Michael F. |
| Asiaf, Peter George | Flynn, William J., Jr. |
| Bunte, Doris | Galvin, William F. |
| Carey, William A. | Grenier, Henry R. |
| Cataldo, Angelo R. | McGee, Thomas W. |
| Costello, Nicholas J. | Moore, Richard T. |
| Creedon, Michael C. | Nagle, William P., Jr. |
| Cusack, John F. | Nickinello, Louis R. |
| Demers, Richard H. | Pokaski, Daniel F. |
| DeNucci, A. Joseph | Rohan, Robert J. |
| Doyle, Charles Robert | Serra, Emanuel G. |
| Fallon, Thomas F. | White, W. Paul — 25. |
| Finnegan, John J. | |

NAYS (131).

Senators.

| | |
|----------------------|-------------------------|
| Atkins, Chester G. | King, John G. |
| Aylmer, John F. | Locke, David H. |
| Fitzpatrick, John H. | Parker, John F. |
| Hall, Robert A. | Wall, William X. |
| Harold, Paul D. | Zarod, Stanley J. — 11. |
| Hunt, Robert M. | |

Representatives.

| | |
|--------------------------|---------------------------|
| Aguiar, Antone S., Jr. | Collaro, Andrew |
| Aleixo, Theodore J., Jr. | Collins, James G. |
| Alexander, Lawrence R. | Connelly, Edward W. |
| Almeida, Alfred | Corazzini, Leo R. |
| Barrett, Michael J. | Correia, Robert |
| Benson, William D. | Craven, James J., Jr. |
| Bevilacqua, Francis J. | Decas, Charles N. |
| Bickford, Walter E. | DeFilippi, Walter A. |
| Bly, Belden G., Jr. | DiMasi, Salvatore |
| Bohigian, Robert J. | Driscoll, John R. |
| Bourque, George J. | Duffin, Dennis J. |
| Brownell, Thomas F. | Dwinell, Richard J. |
| Buglione, Nicholas J. | Finneran, Thomas M. |
| Businger, John A. | Fitzgerald, Kevin W. |
| Cahir, Jeremiah F. | Flaherty, Charles F., Jr. |
| Cahoon, Howard C., Jr. | Flynn, Peter Y. |
| Card, Andrew H., Jr. | Frank, Barney |
| Cellucci, Argeo P. | Freeman, Bruce N. |
| Cerasoli, Robert A. | Gannett, Ann C. |
| Chmura, Rudy | Gibson, Mary Jane |
| Ciccarelli, Salvatore | Gillette, Robert W. |
| Cimino, Salvatore P. | Glodis, William J., Jr. |
| Clark, Forrester A., Jr. | Goyette, Roger R. |
| Cochran, Deborah R. | Gray, Barbara E. |
| Cohen, David B. | Gray, John |
| Cohen, Gerald M. | Greenhalgh, Haden G. |
| Cole, Lincoln P., Jr. | Harrington, James T. |

| | |
|--------------------------|-----------------------------|
| Healy, Jonathan L. | Morrissey, Michael W. |
| Hermann, Joseph N. | Mullins, William D. |
| Holland, Iris K. | Murray, Mary Jeanette |
| Howe, Marie E. | Natsios, Andrew S. |
| Johnston, Philip W. | Navin, Joseph M. |
| Jordan, Raymond A., Jr. | Nelson, David Robert |
| Karol, Stephen J. | Paleologos, Nicholas A. |
| Keating, William R. | Perry, John B. |
| Keverian, George | Picucci, Angelo |
| King, Melvin H. | Pierce, Steven D. |
| Lambros, Nickolas | Piro, Vincent J. |
| Larkin, Robert F., Jr. | Poirier, Kevin |
| Lawrence, Denis | Rea, Michael J., Jr. |
| LeLacheur, Edward A. | Robinson, William G. |
| Lombardi, Leon J. | Roche, Richard P. |
| Lombardi, Michael J. | Rogers, Andrew J., Jr. |
| Loring, John H. | Rourke, Timothy M. |
| Lussier, Thomas R. | Ruane, J. Michael |
| Lynch, Thomas K. | Saltmarsh, Sherman W., Jr. |
| MacLean, William Q., Jr. | Scelsi, Joseph S. |
| Manning, M. Joseph | Scibelli, Anthony M. |
| Marotta, Angelo | Silva, Richard R. |
| Matrango, Frank J. | Speliotis, Theodore C. |
| McGlynn, Michael J. | Sullivan, Gregory William |
| McKenna, Arthur J. | Switzler, Royall H. |
| McNally, Charles F. | Tougas, Roger L. |
| McNeil, John C. | Vigneau, Robert A. |
| McNeil, Robert D. | Voke, Richard A. |
| Menard, Joan M. | Walsh, Richard L. |
| Metayer, Elizabeth N. | Wetherbee, Bruce E. |
| Miceli, James R. | White, Thomas P. |
| Minahan, Alfred A., Jr. | Whitney, A. James |
| Monahan, F. John | Woodward, Francis H. — 120. |

ABSENT OR NOT VOTING (16).

Senators.

| | |
|--------------------|-----------------------|
| Timilty, Joseph F. | Walsh, Joseph B. — 2. |
|--------------------|-----------------------|

Representatives.

| | |
|------------------------|--------------------------|
| Bassett, Timothy A. | Long, John J. |
| Bolling, Royal L., Jr. | Melia, John F. |
| Feeney, Michael Paul | Mofenson, David J. |
| Graham, Sandra | Murphy, John E., Jr. |
| Khoury, Arthur M. | Norton, Thomas C. |
| LaFontaine, Raymond M. | Saggese, Alfred E., Jr. |
| Lawton, Mark E. | Semensi, Joseph J. — 14. |

ANSWERED "PRESENT" — (1).

Senator.

Backman, Jack H. — 1.

Representatives — 0.

The yeas and nays having been completed at eleven minutes before four o'clock P.M., the motion to adjourn was *negatived*.

The Proposal for a Legislative Amendment to the Constitution authorizing the imposition of capital punishment (see Senate, No. 979) (with reference to which the committee on the Judiciary has reported recommending that the amendment ought NOT to pass), — was read twice in accordance with the provisions of the special rules.

Constitution,—
capital
punishment.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution authorizing the imposition of capital punishment.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

ARTICLE . Article XXVI of Part the First of the Constitution is hereby amended by adding at the end the following two sentences: —

The legislature may for the purpose of protecting the general welfare of the citizens authorize the imposition of capital punishment. No provision of the Constitution shall be construed as prohibiting the imposition of capital punishment.

The proposal was then ordered to a third reading.

The Proposal for a Legislative Amendment to the Constitution relative to imposing additional expenditures upon two or more cities or towns (see Senate, No. 1129) (with reference to which the committee on Local Affairs has reported recommending that the amendment ought to pass), — was read twice in accordance with the provisions of the special rules.

Constitution,—
imposition of
expenditures
on cities and
towns.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution relative to imposing additional expenditures upon two or more cities or towns.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

No law imposing additional costs upon two or more cities or towns by the regulation of the compensation, hours, status, conditions or benefits of municipal employment shall be effective in any city or

town until such law is accepted by vote or by the appropriation of money for such purposes, in the case of a city, by the city council in accordance with its charter, and in the case of a town, by a town meeting or town council, unless such law has been enacted by a two-thirds vote of each house of the general court present and voting thereon, or unless the general court, at the same session in which such law is enacted, has provided for the assumption by the commonwealth of such additional cost.

Point of
order.

Mr. Vigneau of Burlington arose to a point of order which, being stated, was that the Joint Session had finally disposed of an identical matter and, therefore, this proposal should be laid aside.

Well
taken.

The President ruled that the point of order was well taken; and accordingly, the proposal was laid aside.

Constitution,—
residency
requirements.

The Proposal for a Legislative Amendment to the Constitution abolishing durational residence requirements for voting (see House, No. 475) (with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass), — was read twice in accordance with the provisions of the special rules.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution abolishing durational residence requirements for voting.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

ART . . . Article III of the amendments to the Constitution is annulled and the following is adopted in its place: —

Article III. Every citizen of eighteen years of age and upwards, excepting persons under guardianship and persons temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who resides within the city or town shall have a right to vote in any election of governor, lieutenant governor, senators or representatives; and no other person shall be entitled to vote in such election.

The amendment recommended by the committee on Election Laws substituting a new draft with the same title (Senate, No. 2081), — was considered.

Quorum.

At two minutes before four o'clock P.M., Mr. Foley doubted the presence of a quorum and the President announced that a quorum was not present and directed the Sergeant-at-Arms to secure the presence of a quorum.

At two minutes past nine o'clock P.M., a quorum NOT having been secured, and without further action on the matters constitutionally assigned for consideration, the President declared the Joint Session in recess until Thursday, September 25, at eleven o'clock A.M. Recess.

Thursday, September 25, 1980.

*Joint Session of the Two Houses to consider Specific Legislative
Amendments to the Constitution.*

Joint
session.

At eleven o'clock A.M., pursuant to assignment, the two Houses met in a continuance of the

JOINT SESSION

and were called to order by the Honorable William M. Bulger, President of the Senate.

Quorum.

At one minute past eleven o'clock A.M., Mr. Boverini doubted the presence of a quorum and the President announced that a quorum was not present, instructed the Court Officers to lock the doors and directed the Sergeant-at-Arms to secure the presence of a quorum.

Recess.

At twelve minutes past one o'clock P.M., a quorum NOT having been secured, and without further action on the matters constitutionally assigned for consideration, the President declared the Joint Session in recess until Wednesday, November 12, at ten o'clock A.M.